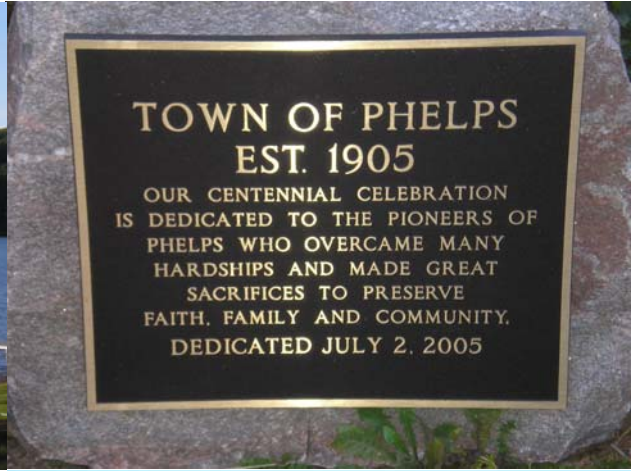


# Town of Phelps, Vilas County 2010 Comprehensive Plan



Prepared by:  
Town of Phelps Plan Commission

With the assistance of the:  
North Central Wisconsin Regional Planning Commission

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# Chapter 1: Issues & Opportunities



## **CHAPTER 1: ISSUES AND OPPORTUNITIES**

This is the first of nine chapters of the Town of Phelps Comprehensive Plan. It explores potential issues that may have an effect on the development of the Town over the 20-year planning period of the plan. As required by the state's comprehensive planning law [§66.1001(2)(a) Wis. Stats.], this chapter contains trends and forecasts with jurisdictional comparisons for some basic demographics including: population, households, employment, age, education, and income. Although forecasts should typically cover the 20-year planning period, in some cases, the only acceptable sources had lesser time periods for their forecasts. Official sources are used for data and forecasting, including the WDOA Demographic Service Center, and the U.S. Census Bureau.

Plans are required to be updated every 10 years, roughly corresponding to the decennial census and current community data. This is the minimum amount of time between extensive review and update of issues and related goals, objectives, and policies.

### **A. BACKGROUND INFORMATION**

#### **1. POPULATION TRENDS AND FORECASTS**

According to the 2000 Census, 1,350 people lived in the town. Between the 1990 and the 2000, the town's population increased by 163 persons or 13.7 percent. Most of the surrounding towns grew faster over the same period, as did the County and the State, with growth rates of 18.8 and 9.6 percent respectively.

Since 2000, the population has continued to increase in Town of Phelps and all of the communities as well. Table 1 displays the total population for the Town, the neighboring towns, the County, and the State. In 2005, the state estimated the population at 1,453, and by 2009 it was estimated at 1,525.

**Table 1:  
Population Trends**

	1990	2000	Estimate 2005	% Change 1990-00	% Change 2000-05	% Change 1990-05
Town of Phelps	1,187	1,350	1,453	13.7%	7.6%	22.4%
Town of Conover	932	1,137	1,235	22.0%	8.6%	32.5%
Town of Land O' Lakes	839	882	920	5.1%	4.3%	9.7%
Town of Washington	1,189	1,577	1,630	32.6%	3.4%	37.1%
Town of Alvin, Forest County	145	186	195	28.3%	4.8%	34.5%
Town of Hiles, Forest County	312	404	416	29.5%	3.0%	33.3%
Vilas County	17,707	21,033	22,215	18.8%	5.6%	25.5%
Wisconsin	4,891,769	5,363,675	5,580,757	9.6%	4.0%	14.1%

Source: U.S. Census, and WDOA Demographic Services Center

**Table 2:  
Population Forecasts to 2030**

	Projection 2010	Projection 2015	Projection 2020	Projection 2025	Projection 2030
Town of Phelps	1,506	1,566	1,622	1,667	1,697
Town of Conover	1,303	1,374	1,442	1,500	1,542
Town of Land O' Lakes	934	950	965	973	974
Town of Washington	1,673	1,741	1,802	1,852	1,885
Town of Alvin, Forest County	201	206	209	211	211
Town of Hiles, Forest County	427	439	448	454	456
Vilas County	22,953	23,829	24,645	25,295	25,720
Wisconsin	5,772,370	5,988,420	6,202,810	6,390,900	6,541,180

Source: WDOA Demographic Services Center

Population projections from the State of Wisconsin are displayed in Table 2. Overall the town and all of the surrounding communities are expected to increase in population over the next 20 years.

Further analysis of population change can be found in other chapters of this Plan, particularly in the Housing chapter and the Land Use chapter.

## 2. HOUSEHOLD TRENDS AND FORECASTS

In 2000, there were 560 households in the town. This is based on an Average Household size in town of 2.29 people in 2000, which is lower than the 2.50 statewide average.

Overall, total households are projected to increase by 220 by 2030. Table 3 reflects an overall increase of households, which is based upon population growth and fewer people per household.

Further analysis of housing unit change can be found in other chapters of this Plan, particularly in the Housing chapter and the Land Use chapter.

**Table 3:  
Households**

	Total 2000	<i>Estimate 2005</i>	Projection 2010	Projection 2015	Projection 2020	Projection 2025	Projection 2030
Town of Phelps	560	615	655	697	733	761	780
Town of Conover	483	539	583	629	671	705	729
Town of Land O' Lakes	412	442	459	478	494	502	507
Town of Washington	683	718	763	813	855	887	909
Town of Alvin, Forest County	96	104	111	118	122	125	127
Town of Hiles, Forest County	199	211	225	239	250	257	261
Vilas County	9,066	9,821	10,429	11,087	11,648	12,067	12,350
Wisconsin	2,084,556	2,208,571	2,322,062	2,442,354	2,557,504	2,654,905	2,738,477

Source: U.S. Census, and WDOA Demographic Services Center

## 3. AGE DISTRIBUTION

Population distribution by age is important in the planning process. Two age groups are examined here: 1) people 5 to 17 years old, and 2) people 65 years and older. These two age groups are often referred to as dependent populations and have different needs. The younger group requires schools, and the older group is retiring from the workforce. Table 4 shows each of these groups in 1990 and 2000.

In 1990, the median age of Phelps' population was 44.8 years, by 2000 that had increased to 49.3. Compared to the county the town's 2000 median age is slightly more, and both the town and county are older than the state. High

median age reflects a large retirement population. Alvin has the highest median age of 58.

**Table 4:  
Age Distribution 1990 to 2000**

		Percent of Population				Median Age
		<5	5-17	18-64	65+	
Town of Phelps	1990	5.1%	17.4%	51.6%	25.9%	44.8
	2000	3.4%	15.0%	53.8%	27.9%	49.3
Town of Conover	1990	5.9%	16.8%	55.7%	21.6%	42.7
	2000	3.2%	18.7%	57.7%	20.4%	44.5
Town of Land O' Lakes	1990	5.8%	16.8%	56.3%	21.1%	43.4
	2000	3.9%	14.9%	56.1%	25.2%	48.6
Town of Washington	1990	4.8%	19.8%	56.7%	18.7%	40.4
	2000	3.2%	17.2%	60.0%	19.6%	45.4
Town of Alvin, Forest County	1990	3.4%	6.9%	56.6%	33.1%	55.3
	2000	1.6%	9.1%	45.1%	34.4%	58.0
Town of Hiles, Forest County	1990	3.2%	12.2%	59.0%	25.6%	53.5
	2000	1.7%	9.9%	54.0%	34.4%	57.8
Vilas County	1990	5.9%	16.3%	54.9%	22.9%	42.9
	2000	4.3%	16.4%	56.5%	22.8%	45.8
Wisconsin	1990	7.4%	19.0%	60.3%	13.3%	32.9
	2000	6.4%	19.1%	61.4%	13.1%	36.0

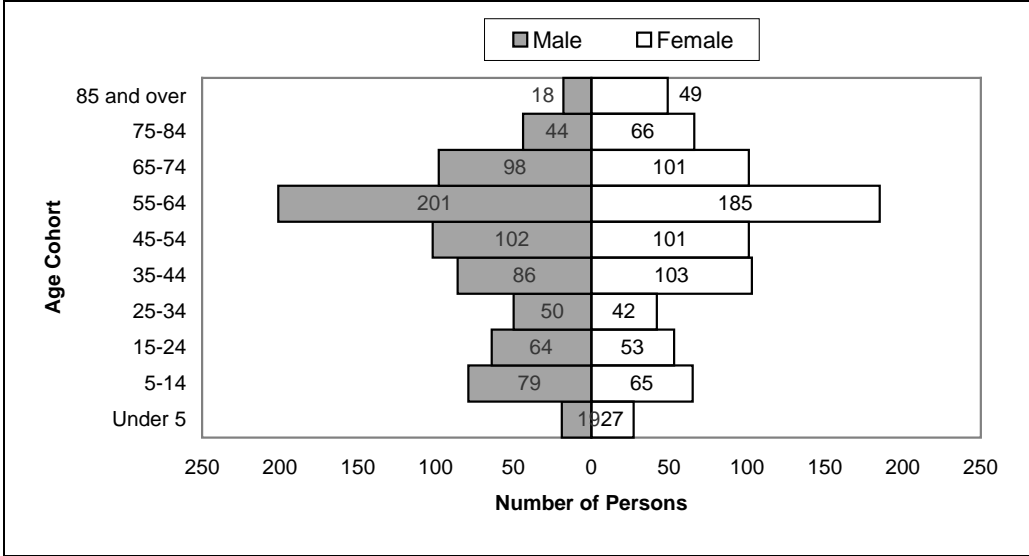
Source: U.S. Census Bureau

Another way to examine population is with a population pyramid, as shown in FIGURE 1. This shows males and females by detailed age categories. A typical pyramid would have a broad base of young people and a decreasing number as the population increases to show a narrowing toward to top.

In the Town there is generally a balance between male to female in all age groups under 75 years old. The largest overall cohort is the 55 to 64 group, which indicates an older population. This is also reflected in the median age.

A shifting age structure affects a variety of services and needs within the community including transportation, housing, elderly care, ambulance use, and schools. It will become increasingly important to retain or attract younger age groups in order to provide for service demands and maintain the workforce.

**FIGURE 1:  
2000 Age Cohorts for Town of Phelps**



Source: U.S. Census Bureau

**4. EDUCATION LEVELS**

The educational attainment of persons within a community is often an indicator of the overall income, job availability, and well being of a community. See Table 5 for a detailed breakdown of the town, county and state.

In 1990, 67.3 percent of the town of population age 25 and over were high school graduates (or higher), compared to 76.1 percent in the County and 78.6 percent in the State. By 2000, the percentage of high school graduates had risen significantly to 82.4 percent in the Town, compared to the County at 85.4 percent and the State at 85.1 percent.

In 1990, 8.4 percent of the town of population age 25 and over were college graduates (or higher), compared to 13.7 percent in the County and 17.7 percent in the State. By 2000, the percentage of college graduates had risen to 13.9 percent in the Town, compared to the County at 17.6 percent and the State at 22.4 percent.

**Table 5:  
Education Levels**

	Town of Phelps		Vilas County		State of Wisconsin	
	1990	2000	1990	2000	1990	2000
Less than 9 <sup>th</sup> Grade	146	76	1,160	604	294,862	186,125
9-12 Grade / No Diploma	141	104	1,897	1,676	367,210	332,292
High School Diploma	381	395	4,687	6,233	1,147,697	1,201,813
College / No Degree	104	201	2,609	3,386	515,310	715,664
Associate Degree	31	105	709	1,014	220,177	260,711
Bachelor Degree	37	102	1,200	1,981	375,603	530,268
Graduate/Professional Degree	37	40	553	773	173,367	249,005
Total Persons 25 & Over	877	1,023	12,815	15,667	3,094,226	3,475,878
Percent high school graduate or higher	67.3%	82.4%	76.1%	85.4%	78.6%	85.1%
Percent with bachelors degree or higher	8.4%	13.9%	13.7%	17.6%	17.7%	22.4%

Source: U.S. Census Bureau

## 5. INCOME LEVELS

In 1990, the median household income for the town was \$18,373, compared to the county at \$20,352, and the state at \$29,442. The town lagged behind the state, and the county level. By 2000, incomes had risen to \$31,574 while the county increased to \$33,759, and state to \$43,791. In 2000, the town continued to lag behind both the county and the state.

Meanwhile in 1990, the per capita income for the town was \$9,555, compared to the county at \$10,866 and the state at \$13,276. The town was pretty comparable to the county, but lagged behind the state. By 2000, incomes had risen to \$17,337, while the county increased to \$18,361, and state to \$21,271. Again the town was comparable to the county, but lagged behind the state.

**Table 6:  
Income Levels**

	1990			2000		
	Town of Phelps	Vilas County	State of Wisconsin	Town of Phelps	Vilas County	State of Wisconsin
Median Household Income	\$18,373	\$20,352	\$29,442	\$31,574	\$33,759	\$43,791
Per Capita Income	\$9,555	\$10,866	\$13,276	\$17,337	\$18,361	\$21,271

Source: U.S. Census Bureau

## 6. EMPLOYMENT CHARACTERISTICS, TRENDS AND FORECASTS

The following tables use U.S. Census information related to occupation and industry sectors. These figures reflect the occupations and the type of industry that residents are engaged. These jobs and industry sectors may or may not be located in the town.

Table 7 displays the primary occupations of employed town residents in the labor force in 1990 and 2000, as well as the county. Sales & Office was followed by Management, professional & Related, and Service. Those were the top three occupations at the county level as well.

**Table 7:  
Occupation of Employed Workers**

	Town of Phelps		Vilas County	
	1990	2000	1990	2000
Management, professional & related	138	130	1,764	2,338
Service	129	123	1,341	1,901
Sales & office	74	124	1,787	2,608
Farming Fishing & Forestry	13	17	271	128
Construction, extraction & maintenance	6	107	269	1,332
Production, transportation & material moving	98	47	1,568	961

Source: U.S. Census Bureau

The Wisconsin Department of Workforce Development (WDWD) prepares employment forecasts. These projections are by industry for its multi-county service regions. The current projections, released August 2006, cover 2004-2014. The projections for the North Central Workforce Development Area cover Vilas County and include eight other counties. These projections show increases in all

occupations. *Production*; and *Farming, fishing, & forestry* occupations both are projected to gain less than 30 positions each for the whole region. The following occupations are all projected to need over 600 replacement workers each: *Production*; *Office & administration*; *Sales*; and *Food preparation & serving*.

## **B. ISSUE IDENTIFICATION**

Citizens, Plan Commissioners, and Town Board members have identified a variety of issues during the planning process.

The issues identified are:

1. Job availability. Need to attract and promote area employment.
2. Aging community. Need to keep younger people in the community.
3. Information Technology. Need to extend high-speed Internet in area.
4. Alternative Energy. Need to utilize alternative energy sources.
5. Downtown. Need to revitalize the downtown area as the focus of the Phelps.

## **C. GOALS, OBJECTIVES, & POLICIES**

Each of the following chapters of this comprehensive plan includes a set of goals, objectives and policies, which the Town Board will use to guide the future development of the Town over the next 20 years.

For purposes of this plan, goals, objectives, and policies are defined as follows:

- ✓ **Goals:** Broad statements that express general public priorities about how the Town should approach development issues during the next 20 years. These goals are based on key issues, opportunities and problems that affect the community.
- ✓ **Objectives:** More specific than goals and are usually attainable through planning and implementation activities. Accomplishment of an objective contributes to the fulfillment of a goal.

- ✓ **Policies:** Rules or courses of action used to ensure plan implementation and to accomplish the goals and objectives. Decision-makers use policies on a day-to-day basis.

Each chapter also includes a listing of possible programs that the Town might implement in order to advance the goals and objectives of this plan. The listing does not imply that the Town will utilize every programs shown, but only that these programs are available to the Town and may be one of many possible ways of achieving the Town's goals.



## Chapter 2: Natural Resources



## **CHAPTER 2: AGRICULTURAL, NATURAL, AND CULTURAL RESOURCES**

This is the second of nine chapters of the Town of Phelps Comprehensive Plan. It is based on the statutory requirement [§66.1001(2)(e) Wis. Stats.] for a compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources consistent with zoning limitations under §295.20(2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

### **A. BACKGROUND**

All planning efforts need to examine relevant previous plans about the community and the surrounding area. Those plans are discussed below:

#### 1. Vilas County Land and Water Resource Management Plan 2004-2008

This Plan provides a framework for local/state/federal conservation program implementation efforts. Implementation of this plan will help protect and improve the valuable water and soil natural resources in Vilas County. Some of the plan's recommendations include: a variety of information strategies, encouraging lake planning & monitoring by the public, promoting stormwater management, developing shoreland protection measures, reducing sediment erosion into waterways, encouraging creation of shoreland buffers, upgrading failing septic systems with new technology where applicable, and promoting forest silviculture. A copy is available in the Vilas County Land and Water Conservation Department.

#### 2. Vilas County Outdoor Recreation Plan

The primary purpose of this recreation plan is to provide continued direction in meeting the current and future recreation needs of the County. This direction takes the form of an inventory and analysis of outdoor recreational facilities followed by establishing recommendations to meet identified needs. Adoption of this plan and its subsequent acceptance by the Wisconsin Department of Natural Resources (WisDNR) allows for continued eligibility for financial assistance from the Land and Water Conservation Fund (LAWCON), the Stewardship Fund, and many other federal and state funding programs. A copy

is available in the Vilas County Forestry Department. This plan is being updated and should be adopted by the fall of 2009.

3. Vilas County Forest Comprehensive Land Use Plan 2006-2020

The mission of the County Forest is to manage, conserve and protect the natural resources within the county forest on a sustainable basis for present and future generations. The Plan contains information about forest resource planning, outdoor recreation planning, silvicultural practices, aesthetic management zones, trails and access control, biological communities, and wildlife species that exist within the county forest. A copy is available in the Vilas County Forestry Department.

4. Comprehensive Plan Effort, 1999

A comprehensive plan was developed in draft form in the late 1990s, but that document was never completed. A variety of information was collected, but since it was not adopted there was no implementation.

## B. INVENTORY

Examining the natural environment is essential to the planning process. For instance, soils, topography and geology can pose limitations to certain types of developments, while an inventory of surface water resources, vegetation types, environmentally significant areas, and historical features identifies those resources and areas which should be protected from over development. This section of the plan identifies both the water and land resources of the town.

### WATER RESOURCES:

The Town of Phelps contains numerous natural surface water features, including rivers, streams, lakes and wetlands. This section discusses the characteristics of the major surface water features located within the Town.

#### 1. WATERSHEDS

A watershed is an area of land in which water drains to a common point. In Wisconsin, watersheds vary in scale from major river systems to small creek drainage areas and typically range in size from 100 to 300 square miles. River basins encompass several watersheds. There are 32 river basins in Wisconsin, which range in size from 500 to over 5,000 square miles.

The Town of Phelps is part of several watersheds. The northwest third of the Town is located in the Tamarack Pioneer River watershed; the middle third of the Town lies in the Deerskin River watershed; and the northeast third of Town lies within the Brule River watershed. The sub continental surface-water divide determines where surface water will drain. All streams southeast section of the Town flow into Lake Michigan. Water within the Tamarack Pioneer River watershed, and the Deerskin River watershed will flow into the Mississippi River.

#### 2. SURFACE WATER

According to the Soil Survey, Vilas County ranks second in the state in total acreage of surface water with 96,321 acres, of which approximately 98 percent is lakes and the remaining 2 percent is rivers and streams. Overall, the County ranks first in the state in total number of lakes with 1,327. The Town of Phelps contains 10,997 acres of surface water, comprising 11.4 percent of the County's total surface water acreage, and has 38 lakes which is 2.3 percent of the County's total lakes. Overall, the surface water features within the Town comprise nearly 16 percent of the Town's total acreage.

## A. Lakes

The Town of Phelps contains 38 lakes. Within the area, the lakes are of glacial origin; some formed in broad, deep depressions in the drainage system while others are in depressions in the glacial drift. The following provides additional information about the larger lakes within the Town of Phelps.

- Lac Vieux Desert

Lac Vieux Desert is located in the northeast portion of the Town of Phelps and crosses into Michigan. This lake is the point of origination for the Wisconsin River. Lac Vieux Desert is managed by both the Wisconsin and Michigan DNR's as a warm water fishery. In addition, the WDNR has classified the lake as an outstanding resource water because of its water quality, aesthetic characteristics, outstanding fisheries, significant waterfowl staging area, and high quality, multi-use recreation. WVIC owns the dam on the lake outlet and manages the lake as a storage reservoir to augment Wisconsin River flows.

- Long Lake

The water levels of this lake are controlled by a WVIC-owned dam at the outlet. It is managed as a cold and warm water fishery, and identified as an exceptional resource water due to its water quality, largely natural watershed, cold water fisheries (cisco and trout), and high-quality, multi-use recreation.

- Big Sand Lake

Water levels here are influenced by WVIC-owned dam on the outlet of Long Lake. Big Sand Lake is managed as a warm water fishery and identified as an exceptional resource water.

- Smoky Lake

Smoky Lake is considered an exceptional resource water, located on the Wisconsin-Michigan border. It is managed as a warm and cold water fishery in cooperation with Michigan DNR.

- North and South Twin Lakes

These two lakes are connected and actually are the same water body. A WVIC-owned dam at the South Twin Lake outlet controls the water level of both lakes. Both are identified as warm water fisheries, and as outstanding resource waters due to water quality, aesthetic characteristics, cold water fishery (cisco),

trophy fisheries (walleye and muskellunge) and high-quality, multi-use recreation.

## B. Rivers

Three river systems flow through the Town of Phelps including the Wisconsin River, Deerskin River, and Little Deerskin River.

- Wisconsin River

The main stem of the Wisconsin River originates at Lac Vieux Desert in the northwest portion of the Town of Phelps and flows south to the Merrill Dam. This river is classified as an outstanding resource water. In addition, the portion of the river near Lac Vieux Desert is considered a warm water sport fish community which is capable of supporting a community of warm water sport fish or serving as a spawning area for these fish. The greater redhorse and pirate perch, which are on Wisconsin's watch species list are found in the Wisconsin River northern sub-basin.

- Deerskin River

The Deerskin River flows from Long Lake south to Scattering Rice Lake near Eagle River. This river is designated as an outstanding resource water, and is classified as a warm water sport, Class I and II brook and brown trout fishery. Beaver activity on the river is a problem, therefore beaver control activity has occurred. Wisconsin Valley Improvement Company (WVIC) operates and maintains a dam on the river on the south side of Long Lake in the Town. Dam operations historically permitted significant flow variation in a relatively short period of time which has had an adverse impact on the fishery and associated habitat improvement structures.

- Little Deerskin River

This River is classified as an exceptional resource water and Class I trout stream. It is located in the southwest portion of the Town and provides drainage from Deerskin Lake. The river supports a highly diverse fish population of 24 species, including trout, and a valuable feeder stream that discharges to the Deerskin River. The middle and upper portions are degraded by beaver dams.

In addition to the above listed streams, Military Creek, Muskrat Creek and Blackjack Creek are all classified as exceptional resource waters.

## Outstanding and Exceptional Resource Waters

The WDNR classifies major surface water resources. These classifications allow water bodies of particular importance to be identified because of their unique resource values and water quality. Two classes which are represented by surface waters in the Town of Phelps include 1) Outstanding Resource Waters (ORW) which have the highest quality water and fisheries in the state and are therefore deserving of special protection, and 2) Exceptional Resource Waters (ERW) which have excellent water quality and valued fisheries but receive or may receive wastewater discharges.

Outstanding Resource Waters (ORWs) and Exceptional Resource Waters (ERWs) share many of the same environmental and ecological characteristics. The primary difference between the two is that ORWs typically do not have any direct point sources discharging pollutants directly to the water. In addition, any pollutant load discharged to an ORW must meet background water quality at all times. Exceptions are made for certain types of discharge situations to ERWs to allow pollutant loads that are greater than background water quality when human health would otherwise be compromised.

Several water bodies are listed as ORWs—Lac Vieux Desert, Wisconsin River, North Twin Lake, Deerskin River, and Elvoy Creek (T41N R12E Sec 13 area). There are some ERWs too—Military Creek (leading into N. Twin Lake), Muskrat Creek (T42N R11E Sec. 31-33), Beaver Creek and Little Deerskin River (T41N R11E Sec. 28, 23-33), and Blackjack Creek & Springs (T41N R11E Sec 34-35).

## Impaired Waters

Section 303(d) of the federal Clean Water Act requires states to develop a list of impaired waters, commonly referred to as the "303(d) list." A water body is considered impaired if a) the current water quality does not meet the numeric or narrative criteria in a water quality standard or b) the designated use that is described in Wisconsin Administrative Code is not being achieved. A documented methodology is used to articulate the approach used to list waters in Wisconsin. Every two years, states are required to submit a list of impaired waters to EPA for approval.

One water body in Town is listed as not meeting the standards set under the U.S. Clean Water Act, Section 303(d). The impaired water in Phelps is: Kentuck Lake, because of mercury contamination from the air, and are rated a low priority for clean-up by the WDNR. The only action taken based upon that pollution is for the WDNR to issue fish consumption advisories.

## Invasive Aquatic Species

Surface water resources in Vilas County are threatened by the introduction of invasive aquatic species. These species out compete native species and degrade habitats possibly by decreasing biodiversity from having less plant and animal species. Lac Vieux Desert has infestations of eurasian water-milfoil (*Myriophyllum spicatum*), rusty crayfish (*Orconectes rusticus*), banded mystery snail, freshwater jellyfish (*Craspedacusta sowerbii*), and Chinese mystery snail (*Cipangopaludina chinensis*). North Twin Lake and South Twin Lake have infestations of eurasian water-milfoil and rusty crayfish, and Chinese mystery snail. Long Lake has infestations of eurasian water-milfoil, Chinese mystery snail, and rainbow smelt (*Osmerus mordax*). Big Sand Lake has infestations of eurasian water-milfoil, curly-leaf pondweed (*Potamogeton crispus*), and Chinese mystery snail. Kentuck Lake has an infestation of curly-leaf pondweed, rusty crayfish, banded mystery snail, and Chinese mystery snail. Smoky Lake has infestations of rusty crayfish, and rainbow smelt. Contact the County Land and Water Conservation Department for public outreach education strategies.

### 3. WETLANDS

Wetlands perform many indispensable roles in the proper function of the hydrologic cycle and local ecological systems. In terms of hazard mitigation, they act as water storage devices in times of high water. Like sponges, wetlands are able to absorb excess water and release it back into the watershed slowly, preventing flooding and minimizing flood damage. As more impermeable surfaces are developed, this excess capacity for water runoff storage becomes increasingly important.

Wetland plants and soils have the capacity to store and filter pollutants ranging from pesticides to animal wastes. Calm wetland waters, with their flat surface and flow characteristics, allow particles of toxins and nutrients to settle out of the water column. Plants take up certain nutrients from the water. Other substances can be stored or transformed to a less toxic state within wetlands. As a result, the lakes, rivers and streams are cleaner.

Wetlands that filter or store sediments or nutrients for extended periods may undergo fundamental changes. Sediments will eventually fill in wetlands and nutrients will eventually modify the vegetation. Such changes may result in the loss of this function over time. Eradication of wetlands can occur through the use of fill material. This can destroy the hydrological function of the site and open the area to improper development. The WDNR has promulgated minimum standards for managing wetlands.

#### 4. FLOODPLAINS

A floodplain is generally defined as land where there is a one percent chance of flooding in any year. The primary value of floodplains is their role in natural flood control. Flood plains represent areas where excess water can be accommodated whether through drainage by streams or through storage by wetlands and other natural detention/retention areas. Specific areas that will be inundated will depend upon the amount of water, the distance and speed that water travels, and the topography of the area. If uninterrupted by development, the areas shown on a map as floodplains should be able to handle the severest (regional) flood, i.e. those that have a probability of occurring once every one hundred years.

#### 5. GROUNDWATER

Groundwater is water that occupies void spaces between soil particles or cracks in the rock below the land surface. It originates as precipitation that infiltrated into the ground. The type of soil and bedrock that a well is drilled into often determines water's pH, saturation index, and the amount of hardness or alkalinity in water. The type of soil and bedrock in a region also determines how quickly contaminants can reach groundwater.

Most groundwater in Vilas County is obtained from sand and gravel aquifers. Wells are drilled 20 to 200 feet deep to yield 5 to 50 gallons per minute, but yields of 200 gallons per minute are possible. Shallow wells in these deposits are subject to pollution.

Groundwater quality in Vilas County and the Town of Phelps is generally good. Local differences in quality are the result of the composition, solubility, and surface of the soil and rock through which the water moves, and the length of time that the water is in contact with these materials. The main constituents in the water are calcium, magnesium, and bicarbonate ions. Mainly in the moraines, the water is hard. A high content of iron is a problem in many wells, but it is not a health hazard.

Susceptibility of groundwater to pollutants is defined here as the ease with which a contaminant can be transported from the land surface to the top of the groundwater called the water table. Many materials that overlie the groundwater offer good protection from contaminants that might be transported by infiltrating waters. The amount of protection offered by the overlying material varies, however, depending on the materials. Thus, in some areas, the overlying soil and bedrock materials allow contaminants to reach the groundwater more easily than in other areas of the state.

Groundwater contamination susceptibility in the Town of Phelps is "most susceptible," based upon reviewing soil characteristics, surficial deposits, depth to water table, depth to bedrock, and type of bedrock.

Many land use activities have the potential to impact the quality of groundwater. A landfill may leach contaminants into the ground that end up contaminating groundwater. Gasoline may leak from an underground storage tank into groundwater. Fertilizers and pesticides can seep into the ground from application on farm fields, golf courses, or lawns. Leaking fluids from cars in junkyards, intentional dumping or accidental spills of paint, used motor oil, or other chemicals on the ground can result in contaminated groundwater.

The Phelps Sanitary District has a wellhead protection plan, but does not have a wellhead protection ordinance.

Wellhead protection plans are developed to achieve groundwater pollution prevention measures within public water supply wellhead areas. A wellhead protection plan uses public involvement to delineate the wellhead protection area, inventory potential groundwater contamination sources, and manage the wellhead protection area. All new municipal wells are required to have a wellhead protection plan. A wellhead protection ordinance is a zoning ordinance that implements the wellhead protection plan by controlling land uses in the wellhead protection area.

## LAND RESOURCES:

The town is located in the northeast portion of Vilas County on the Wisconsin/Michigan border. It is bounded by the State of Michigan to the north, Forest County to the east, Forest County and the Town of Washington to the south, and the Towns of Conover and Land O'Lakes to the west. The nearest Wisconsin cities are: Eagle River approximately 18 miles southwest, and Rhinelander approximately 37 miles southwest. The Town of Phelps covers 69,736 acres of land.

### 1. TOPOGRAPHY & GEOLOGY

The Town is located in the Northern Highland physiographic region of Wisconsin, which has some of the highest elevations in the state. Elevations range from approximately 1,660 feet above sea level in the southwestern portion of the Town to about 1,900 feet near the intersection of Boot Lake Road and Norwood Lake Road. Relief in the area is generally low, with most elevations being between 1,700 and 1,800 feet above sea level.

The landscape in the Town of Phelps includes drumlins and ground moraines, and is characterized by low, smoothly rounded, elongated, and oval ridges that are nearly level to moderately steep and are interspersed with long, narrow drainageways. The primary drainage system includes the Town's numerous rivers and creeks, including the Wisconsin and Deerskin Rivers, and Kentuck, Elvoy, Brule, Military, Blackjack, Haymeadow and Muskrat Creeks. The Wisconsin River and its tributaries drain approximately 40 percent of the Town, while the Kentuck, Elvoy, and Brule Creeks drain about 10 percent of the Town.

According to the Soil Survey of Vilas County, the secondary drainage system is rather poorly defined, and includes the Town's numerous lakes which drain into the river systems through shallow, crooked drainageways. Glacial meltwater was unable to establish a system of deeper channels in the glacial topography of the area. In addition, many of the lakes do not have any outlets.

The geology of the Town includes both stratified and unstratified glacial drift, which were developed primarily during the various stages of glaciation during the last ice age. Stratified drift consists of outwash and ice-contact deposits, which were laid down by meltwater during glacial stagnation. Stratified drift is located primarily in portions of the southern, northwestern, and central areas of the Town. Unstratified drift consisting of ground moraine is located generally in the central, western and eastern portions of Town. Ground moraine is composed of unsorted sandy clay till which was laid down directly by ice. The thickness of glacial drift, or the depth to bedrock, generally ranges from 0-240 feet, and tends to be thinnest in areas of ground moraine.

The bedrock geology in the Town is characterized by igneous and metamorphic rocks which are part of the Canadian Shield. More specifically, these rocks include Gneiss from the Archean age located in the southwest, and rocks from the Early Proterozoic age including metasedimentary rocks which comprise the majority of the Town, iron formations scattered throughout, and metavolcanic rocks in the northern region. The bedrock generally slopes to the south.

## 2. FORESTS

Forests are an important resource in the Town. Forests also provide protection for environmentally sensitive areas, such as steep slopes, shorelands, wetlands, and flood plains. In addition, expansive forests provide recreational opportunities, aesthetic benefits, and economic development.

The pre-settlement composition of forestland in the Town was dominated by a mix of conifer and deciduous tree species that included hemlock, sugar maple, yellow birch, white pine, and red pine. Part of the Nicolet National Forest within

Phelps, just south of Manuel and Baker Lakes, was a pocket of brushlands. Prairie existed in a smaller pocket east of Manuel Lake.

Some areas of the Town contained stands of coniferous pine forest, including red and white. Though it is commonly thought that most of Northern Wisconsin was once covered by extensive pure stands of white and red pines, this forest type was actually extremely limited even before settlement. Some small scattered areas of the Town, primarily in the north and east, contained wetland vegetation consisting of swamp conifers including white cedar, black spruce, tamarack and hemlock. Brush vegetation existed in a small area in the southwest portion of Town.

Presently, both the species composition and relative proportion of presettlement forest types have been greatly altered by humans in the northern forest region. The mixed coniferous – deciduous forest types have primarily lost their coniferous component. Hemlock occurs sporadically in second-growth hardwood stands, but white pine is virtually absent in many areas and shows no sign of regeneration. The sugar maple has retained a dominant position, however yellow birch is much less common than it once was. Basswood and white ash are now usually the most important associates of sugar maple. The area is generally dominated by mixtures of sugar maple, basswood, hemlock, yellow birch, white ash, and American beech, while red oak and red maple are the most common minor associates to these stands.

The Town of Phelps contains parts of the Nicolet National Forest, which covers a large portion of adjacent Forest County. The Nicolet National Forest comprises 36,477 acres, or 52 percent of the land within the Town of Phelps. Forest covers types of the Nicolet National Forest lands which are located within the Town of Phelps are dominated by upland hardwoods, comprising over 44 percent of the forested land, followed by aspen which comprises approximately 11 percent. The remaining 45 percent of the Nicolet National Forest lands within Phelps are comprised of a variety of cover types

Some private woodlands in the county are enrolled in Managed Forest Law (MFL). This program provides a low annual tax rate per acre and requires a management plan for the property that must include some harvesting along with allowing some public uses based on acreage thresholds. When timber is harvested from MFL properties, a harvest tax is also assessed. This provides an incentive to keep woodlots in active production and allows some community access to the site in exchange for greatly reduced taxes.

### 3. SOILS & PRODUCTIVE AGRICULTURAL AREAS

Soil is composed of varying proportions of sand, gravel, silt, clay and organic material. The soils in the Town primarily result from glacial till, glacial outwash, or glaciolacustrine deposits, and a few formed from organic material.

A detailed study of all the soils in Vilas County was developed by the U.S. Department of Agriculture, Soil Conservation Service. As part of that study, soils were identified in terms of both generalized soil associations, or predominant soil patterns, and specific detailed soils.

The presence of agricultural land within the Town of Phelps is primarily limited to small farms with grazing areas for livestock and tree farms, which are found scattered throughout the Town. According to the *Wisconsin Land Use Databook*, the Town of Phelps between 1991-1993 was 3.5 percent agricultural, 80.8 percent forested, and 14.1 percent wetlands. The town's total land area is 94.2 square miles. Of the total land area, 0.2 percent of land was used for row crops, 0.9 percent of land was used for foraging, and 2.3 percent was grassland. In terms of farming trends, the town has lost 231 acres of farmland acreage on tax rolls, but the number of farms increased from 18 to 20 between 1990 and 1997.

### 4. METALLIC & NON-METALLIC MINERAL RESOURCES

There are no active metallic mines in the Town, nor are there any known deposits. There are however, a number of non-metallic quarries throughout the Town.

All quarries (active and inactive) are shown on the Natural Resources Map.

### 5. ENVIRONMENTALLY REMEDIATED AREAS

Areas which might fall under the environmentally sensitive designation is contaminated or potentially contaminated sites in part because they may need special care or monitoring to prevent further environmental degradation or hazard to human life.

The WDNR Internet database known as the Bureau of Remediation and Redevelopment Tracking System (BRRTS) lists the following sites as "closed":

- ERP Site: C.M. Christiansen #2, Main St
- ERP Site: Twin Lake Substation, 2491 St Louis Street
- LUST Site: Big Sands Lake Club, 4580 Big Sands Lake Club Rd
- LUST Site: First National Bank of Eagle River, 4534 CTH E

- LUST Site: Claar, Dru Service, 4130 Sand Lake Rd
- LUST Site: Big Sands Lake Club, 4580 Big Sands Lake Club Rd
- LUST Site: The Wilderness, 680 Reserve Ln
- LUST Site: Northwoods Medical Center, Hwy 17 S
- LUST Site: Dru Claars Service, 2269 Hwy 17
- LUST Site: Edgewater Beach Resort, 2680 South Shore Rd
- Spill Site: C.M. Christiansen #2, Main St
- Spill Site: Land O' Lakes Frosty Club, snowmobile trail N of CTH E
- Spill Site: Julie Ann Largay, 4601 Big Sand Lake Club Rd

**ERP** sites are sites other than LUSTs that have contaminated soil and/or groundwater.

**LUST** sites have contaminated soil and/or groundwater with petroleum, which includes toxic and cancer causing substances.

**Spill** sites are a discharge of a hazardous substance that may adversely impact, or threaten to impact public health, welfare or the environment.

All of these sites were remediated to DNR standards, and are available for use.

## 6. RARE SPECIES & NATURAL COMMUNITIES

### Rare Species

The Town of Phelps has 40 sections with occurrences of endangered resources (rare, threatened, or endangered species of plants & animals, and high-quality natural communities) as identified in the Wisconsin Natural Heritage Inventory.

Wisconsin's biodiversity goals are to identify, protect and manage native plants, animals, and natural communities from the very common to critically endangered for present and future generations. Knowledge, appreciation, and stewardship of Wisconsin's native species and ecosystems are critical to their survival and greater benefit to society.

### Natural Communities

The Wisconsin Land Legacy Report 2006-2056, compiled by the WDNR, is a comprehensive inventory of the special places that will be critical to meet future conservation and outdoor recreation needs for the next fifty years. The report identified regionally significant forest and wetland areas that should be protected. Two Land Legacy Areas identified in the Town of Phelps are summarized below:

Deerskin River is a DNR Legacy Place that was identified to meet future conservation and outdoor recreation needs for the next 50 years. The DNR Land

Legacy report recommends protection of such places. This place rated a 3 of 5 stars. Five stars represents the highest level of conservation significance.

The Deerskin River is a cold water stream containing Class I and Class II trout waters in different reaches. Much of the upper part of the river goes through the Nicolet National Forest. The river corridor includes impoundments at Long Lake and Scattering Rice Lake. A dam that held the former Deerskin Flowage has recently been removed, restoring wetlands and the natural streambed.

Chequamegon-Nicolet National Forest is a DNR Legacy Place that was identified to meet future conservation and outdoor recreation needs for the next 50 years. The DNR Land Legacy report recommends protection of such places. This place rated a 5 of 5 stars. Five stars represents the highest level of conservation significance.

The Nicolet side of the Forest is a large contiguous forested area made up of aspen and northern hardwoods near Laona, and has been identified as an area where management for forest interior species is feasible. A very large area of continuous National Forest ownership is found in the Eagle River Ranger District on a drumlinized ground moraine where upland forests are interspersed with lowland conifers. There are also opportunities to coordinate management of large landscapes across the state boundary into the Ottawa National Forest in Upper Michigan.

State Natural Areas were acquired to protect the state's natural diversity, provide sites for research and environmental education, and serve as benchmarks for assessing and guiding use of other lands in the state. Natural areas are defined as tracts of land or water, which have native biotic communities, unique natural features, or significant geological or archeological sites. These sites do not have much facility development, though there may be a designated trail on the site.

Kentuck Lake State Natural Area (No. 442) is within the Chequamegon-Nicolet National Forest (T41N R12E, Sections 27, 34. 291 acres). This site features a unique 0.7 mile long, 30-60 foot wide swale flanked by two narrow, curving sandy ridges that parallel the north shore of Kentuck Lake. Wind and wave action, in concert with the lake's size, shape, orientation and basin morphology, have over the centuries created the unique ridge and swale topography found here. The assemblage of plants found on the swale contains representatives of several natural communities seldom found in such close association. Species normally associated with xeric pine forests or barrens exist here intermingled with species characteristic of open bog, conifer swamp, sedge meadow, and calcareous fen. The inland beach consists of a wet, open sandy-peat swale with scattered small trees of tamarack, jack pine, white pine, paper birch, showy mountain ash,

red maple, and winter holly. In open areas are patches of bog species such as sphagnum moss, wire-leaved sedges, and ericaceous shrubs interspersed with patches of bog club moss, sundews, bladderworts, beak-rushes, and sedges. The low ridge adjacent to the lake is densely forested with scattered pines, white spruce, red maple, and balsam fir. To the northeast is a one to two meter high, 10-30 meter wide beach ridge forested with an older-growth forest of white and red pine, hemlock, white spruce, black spruce, balsam fir, yellow birch, and white cedar. Further inland is a larger northern wet forest dominated by black spruce and tamarack with small pockets of white cedar, black ash, and red maple. A dense shrub layer of tag alder, winterberry, and mountain holly is present in the less boggy portions of this wetland. Where a deep carpet of sphagnum moss is present, the shrub layer is composed of ericaceous species including Labrador tea, bog rosemary, and cranberry. Common herbaceous species are cinnamon fern, water arum, and swamp false Solomon's seal. Breeding birds include Nashville warbler, yellow-rumped warbler, yellow-bellied flycatcher, and white-throated sparrow. Other species include bald eagle along with mink, leopard, and green frogs. Kentuck Lake is owned by the US Forest Service and was designated a State Natural Area in 2007.

Beaver Creek State Natural Area (No. 478) is within the Chequamegon-Nicolet National Forest (T41N R11E, Sections 28 & 33. 697 acres). This site features high quality natural communities associated with the Vilas-Oneida Outwash Plains land type including northern dry-mesic forest, northern wet forest, and open bog. The mature, fire-related dry-mesic forest is dominated by large red pine, mostly 15-20 inches in diameter although some individuals are larger. The stand's year of origin is 1890. Associates include white pine, red maple, and white spruce. Although not common, there are pockets of white pine regeneration, especially on upland islands within the black spruce swamp forest. The dense shrub and sapling layer is primarily beaked hazelnut, red maple, and mountain maple with blueberry and sweet fern. Ground flora is variable and includes barren strawberry, trailing arbutus, early low blueberry, wintergreen, yellow bluebead lily, and spinulose wood fern. The lowland northern wet forest is dominated by older black spruce with several small inclusions of white cedar and a fringe of tamarack along the Little Deerskin River. Bryophytes (sphagnum, feather mosses, liverworts, and lichens) are a dominant group in the understory and on branches and trunks of black spruce. Several small spring runs start within the site. Situated within a kettle depression is a small but pristine poor fen surrounding a bog pond. The fen is dominated by white beak-rush and arrow-grass with wool-grass, few-seeded sedge, two-seeded bog sedge, mud sedge, cotton-grass, and numerous ericaceous shrubs. Several boreal birds are known to occur here including boreal chickadee and gray jay. Beaver Creek is owned by the US Forest Service and was designated a State Natural Area in 2007.

Haymeadow Creek State Natural Area (No. 479) is within the Chequamegon–Nicolet National Forest (T42N R11E, Sections 16, 18, 19, & 20. 957 acres). This site features a large, wet meadow interspersed with elevated islands forested with jack pine, red pine, and white pine. Wet areas contain a thin sphagnum carpet with a ground layer of few-seeded sedge and northern blue-flag iris. The northeastern portion of the site contains a dry mossy opening that supports the rare Canada mountain rice-grass (*Oryzopsis canadensis*). Surrounding the meadow is northern wet forest with a mix of black spruce, tamarack, and northern white cedar. The understory includes species such as bracken fern, Labrador-tea, bunchberry, trailing arbutus, Canada mayflower, wintergreen, and blueberry. The entire complex is important habitat for a number of bird species including gray jay, boreal chickadee, Connecticut warbler, Lincoln’s sparrow, and yellow-bellied flycatcher. Other species include yellow-rumped warbler, Nashville warbler, olive-sided flycatcher, Northern parula, white-throated sparrow, and winter wren. Osprey and bald eagle are also known to use the area. Haymeadow Creek is owned by the US Forest Service and was designated a State Natural Area in 2007.

## 7. HISTORICAL & CULTURAL RESOURCES

### A. Community History

Phelps was originally founded in 1905 with the name Hackley. It was renamed in 1912 to Phelps. Logging and farming were the primary reasons for the community to develop. Soon thereafter, a mill was built that become the dominant employer. Later a chemical plant was developed. In fact, Phelps became a company town with many housing units constructed for employees. By the 1940 the chemical plant was closed and by 1957 the mill was closed. The Town then made a transition to a resort community.

Phelps’s Memories provides a detailed historical account of the Town of Phelps. The Phelps Woman’s Club published this document in 2001.

### B. Resources

The identification of existing historical structures and cultural areas are an important consideration in all Town planning efforts, as these features help to define a community’s physical look and character. The State Historical Society has recorded three “registered” historic properties within the Town. These properties are listed on the National or State Register of Historic Places, and include:

- Fort Eagle (currently Homer K. Galpin House), located at 943 Fort Eagle Lane, constructed in 1919, with additions in 1921 and 1927, and

- Wallila Farm Site (archeological site), located in the southwest portion of the Town
- Big Sand Lake Club, located at 4571 Big Sand Lake Club Rd, private club.

In addition, a number of buildings in the Town appear on the Wisconsin Architectural History Inventory, including:

- Lac Vieux Desert Dam (W Shore Drive & Wisconsin River)
- L. Badow Resort, contains 16 structures (McPartlins Resort, T42N R11E Section 13)
- Jeff's Camp, contains 11 structures (Starlite Landing Resort, 5730 W Shore Road)
- Hillside Resort, contains 13 structures (2474 S Shore Rd)
- Big Sand Lake Club, contain 15 structures (4571 Big Sand Lake Club Road)
- Rustic Style house (T41N R11E)
- Hazen's Long Lake Lodge, contains 14 structures (4487 Hazen Inn Lane)
- Fort Eagle (934 Fort Eagle Road)

## 8. NATURAL, AGRICULTURAL & CULTURAL RESOURCES PROGRAMS

Natural, agricultural, and cultural resource programs available to the town are identified below. The following list is not all-inclusive. For specific program information, the agency or group that offers the program should be contacted.

Aquatic Habitat Protection Program: The WDNR provides basic aquatic habitat protection services. Staff members include Water Management (Regulation) Specialists, Zoning Specialists, Rivers (Federal Energy Regulatory Commission-FERC) Specialists, Lakes Specialists, Water Management Engineers, and their assistants (LTEs). The program assists with water regulation permits, zoning assistance, coordination of rivers, lake management, and engineering.

County Conservation Aids: Funds are available to carry out programs for fish or wildlife management projects as per §23.09 (12), Wis. Stats. and NR 50, Wis. Adm. Code. Projects related to providing improved fish or wildlife habitat or projects related to hunter/angler facilities are eligible. Projects that enhance fish and wildlife habitat or fishing and hunting facilities have priority. Contact the WDNR for further information.

Drinking Water and Groundwater Program: This WDNR program is responsible for assuring safe, high quality drinking water and for protecting groundwater. This is achieved by enforcing minimum well construction and pump installation requirements, conducting surveys and inspections of water systems, the investigation and sampling of drinking water quality problems, and requiring drinking water quality monitoring and reporting. A team of specialists, engineers,

hydrogeologists, and a program expert and program assistants staff the program. WDNR staff provide assistance to public and private well owners to help solve water quality complaints and water system problems. They also provide interested citizens with informational or educational materials about drinking water supplies and groundwater.

Wisconsin Fund is a program by the Wisconsin Department of Commerce, Safety and Buildings Division. Grants are provided to homeowners and small commercial businesses to help offset a portion of the cost for the repair, rehabilitation, or replacement of existing failing Private Onsite Wastewater Treatment Systems (POWTS). Eligibility is based upon several criteria, including household income and age of the structure. 66 counties out of Wisconsin's 72 counties, the City of Franklin, and the Oneida Tribe of Wisconsin participate in the program. County government officials assist interested individuals in determining eligibility and in preparation of grant applications. A portion of the money appropriated by the state government for the program is set aside to fund experimental POWTS with the goal of identifying other acceptable technologies for replacement systems.

Endangered Resources Program: The WDNR's Endangered Resources staff provides expertise and advice on endangered resources. They manage the Natural Heritage Inventory Program (NHI), which is used to determine the existence and location of native plant and animal communities and Endangered or Threatened Species of Special Concern. The NHI helps identify and prioritize areas suitable for State Natural Area (SNA) designation, provides information needed for feasibility studies and master plans, and maintains the list of endangered and threatened species. All management activities conducted by Wildlife Management and Forestry staff must be reviewed to determine the impact on NHI-designated species. A permit for the incidental take of an Endangered or Threatened species is required under the State Endangered Species Law. The Endangered Resources Program oversees the permit process, reviews applications and makes permit decisions. Funding for the Endangered Species Program comes from a number of sources, including tax checkoff revenue, license plates, general program revenues (GPR), gaming revenue, Natural Heritage Inventory chargebacks, wild rice permits, general gifts and Pittman Robertson grants.

Fisheries Management Program: The WDNR funds this program primarily through the sale of hunting and fishing licenses. The program assists with fishery surveys, fish habitat improvement/protection, and fish community manipulation. This program may also be used to fund public relations events and a variety of permitting and administrative activities involving fisheries.

### Forest Management Program:

Funding for the forestry program is supported primarily by a fixed rate mill tax on all property in the State of Wisconsin. Other support is received from the federal government, from recreation fees, from sale of forest products, from sale of state produced nursery stock, forest tax law payments, and other miscellaneous sources. All activities of the Forestry Program help support efforts to promote and ensure the protection and sustainable management of Wisconsin's forests.

Private Forestry: The WDNR's goal is to motivate private forest landowners to practice sustainable forestry by providing technical forestry assistance, state and federal cost-sharing on management practices, sale of state produced nursery stock for reforestation, enrollment in Wisconsin's Forest Tax Law Programs, advice for the protection of endangered and threatened species, and assistance with forest disease and insect problems. Each county has at least one Department forester assigned to respond to requests for private forestland assistance. These foresters also provide educational programs for landowners, schools, and the general public. Both private and industrial forest landowners have enrolled their lands under the Managed Forest Law.

Managed Forest Law (MFL): The purpose of the MFL is to promote good forest management through property tax incentives. Management practices are required by way of an approved forest management plan. Landowners with a minimum of 10 contiguous acres (80% must be capable of producing merchantable timber) are eligible and may contract for 25 or 50 years. Open lands must allow hunting, fishing, hiking, cross-country skiing, and sight-seeing, however, up to 80 acres may be closed to public access by the landowner. There is a 5% yield tax applied to any wood products harvested. Contact the WDNR for further information.

Nonpoint Source Pollution Abatement Program: This WDNR program is currently undergoing restructuring and being gradually replaced by short-term grants that will address specific projects rather than focusing on entire watersheds. The goal of this voluntary program is to improve and protect the water quality of surface waters and groundwater within the watershed. Landowners are encouraged to control non-point pollution on their properties through cost sharing of Best Management Practices. This program will be replaced by Targeted Runoff Management projects (TRM). These are projects that are more specific in nature and may last up to three years. They are scored on a competitive basis, based on the amount of pollutant control they will achieve and the degree of impairment of the location. One nonpoint source coordinator is located in the Rhinelander WDNR Service Center. This coordinator administers and oversees the priority watershed program and will also assist with the TRM grants. The coordinator also provides nonpoint source pollution advice to counties that are implementing their land and water plans.

Parks and Recreation Program: The WDNR gets its authority for administering the Parks and Recreation Program from Chapter 27 Wisconsin Statutes. This program provides assistance in the development of public parks and recreation facilities. Funding sources include: the general fund, the Stewardship Program, Land and Water Conservation fund (LAWCON), and the recycling fund, and program revenue funds.

Stewardship Grants for Nonprofit Conservation Organizations:

Nonprofit conservation organizations are eligible to obtain funding for the acquisition of land or easements for conservation purposes and restoration of wildlife habitat. Priorities include acquisition of wildlife habitat, acquisition of lands with special scientific or ecological value, protection of rare and endangered habitats and species, acquisition of stream corridors, acquisition of land for state trails including the Ice Age Trail and North Country Trail, and restoration of wetlands and grasslands. Eligible types of projects include fee simple and easement acquisitions and habitat restoration projects. All projects must be in a WDNR approved outdoor recreation plan. Contact the WDNR or NCWRPC for further information.

Wastewater Program: The Department of Natural Resources provides this program to address point and non-point source pollution control. Operating funds for this program come from the federal government's Clean Water Act funding as well as state general program revenues. The core work of this program involves the issuance of wastewater discharge permits that discharge directly to surface or groundwater and enforcing the requirements of these permits. The program closely monitors the impacts of industry, septic tanks, sludge, and stormwater on the environment. Pretreatment plants for wastewater are offered economic assistance and provided with plan review services before the facility is established.

Watershed Program: The WDNR seeks to protect wild and domestic animals, recreational activities, natural flora and fauna, agriculture, business, and other land uses through watershed management. Funds to run this program are provided by the federal government through Clean Water Act and through state general program revenues. The program assists with watershed planning, water quality monitoring and modeling, and development of water quality standards and policy.

Wetlands Reserve Program (WRP): The purpose of the WRP is to restore wetlands previously altered for agricultural use. The goal of the WRP is to restore wetland and wildlife habitats. Lands that have been owned for at least one year and can be restored to wetland conditions are eligible. Landowners may restore wetlands with permanent or 30-year easements or 10-year contracts.

Permanent easements pay 100% of the agricultural value of the land and 100% cost-sharing; 30-year easements pay 75% of the agricultural value and 75% cost sharing; 10-year contract pays 75% cost share only. Permanent or 30-year easements are recorded with a property deed, however 10-year contracts are not. Public access is not required. Contact the USDA Natural Resources Conservation Service for further information.

Wildlife Management Program: The WDNR's Bureau of Wildlife Management oversees a complex web of programs that incorporate state, federal and local initiatives primarily directed toward wildlife habitat management and enhancement. Programs include land acquisition, development and maintenance of State Wildlife Areas, and other wild land programs such as State Natural Areas. Wildlife Staff work closely with staff of state and county forests to maintain, enhance, and restore wildlife habitat. Wildlife Management staff conduct wildlife population and habitat surveys, prepare property needs analysis's, develop basin wildlife management plans and collaborate with other WDNR planning efforts such as Park, Forestry or Fishery Area Property Master Plans to assure sound habitat management. Funding comes from the federal government in the form of Endangered Species grants and Pittman-Robertson grants and from state government in the form of hunting and trapping license revenues, voluntary income tax contributions, general program revenue and Stewardship funds.

Wisconsin Historical Society, Office of Preservation Planning (OPP): The OPP can provide information on how to protect and preserve your own historic property, to implement grassroots strategies for preserving and protecting historic properties, and on state or federal laws and regulations that may be applicable to a given case.

## **C. GOALS, OBJECTIVES & POLICIES**

### **Goals:**

1. Preserve the environmental quality of all the natural resources (lakes, forests, streams, air, and lack of noise) for the well being of the community.
2. Protect economically productive areas, including farmland, forests and recreational areas.
3. Preserve, protect, and enhance shoreland in the Town.
4. Preserve scenic, cultural, historic, archaeological and recreational sites.

5. Preserve and protect the unique natural resources of the Town that are key elements of the "Northwoods" character, which include wetlands, groundwater, and forests.

**Objectives:**

1. Prohibit development within environmentally sensitive areas.
2. Review and evaluate forestry density standards for housing.
3. Evaluate the feasibility of "cluster development" which reduces further forest fragmentation.
4. Adopt forestry density standards consistent with appropriate forestry management practices.
5. Minimize impacts to the Town's natural resources from metallic or non-metallic mining.
6. Explore opportunities to develop a purchase of development rights and/or a conservation easement program to protect properties of natural or scenic significance.
7. Develop a POWTS (privately owned wastewater treatment system) inspection, compliance, and enforcement program for all septic systems.
8. Prohibit the use of holding tanks as a private on-site treatment system option for new construction unless for existing lots of record prior to the adoption date of this plan.
9. Support the enforcement of wetland protection and erosion control in shoreland areas.
10. Maintain existing natural vegetative buffers between wetlands, surface waters and intensive land uses.
11. Utilize a waterway classification system (to classify waterways by sensitivity to development) to manage waterway development.
12. Encourage and provide assistance in the development and the maintenance of lake and waterway associations and districts.

13. Prevent new development in the Town from negatively impacting natural resources.
14. Preserve wetlands and floodplains to minimize flooding, filter runoff, and provide wildlife habitat.
15. Protect working forests from residential development pressure that would limit active forest management and recreational uses.
16. Promote development that minimizes groundwater impacts from on-site septic systems and other sources.

**Policies:**

1. Make residents, developers, and potential landowners aware of active forest management activities and other aspects of living in a forest.
2. Discourage the draining or filling of wetlands.
3. Work with Vilas County to enforce existing regulations of septic systems to protect groundwater quality.
4. Protect wildlife habitat and natural settings.
5. Develop a process of taking waste and finding sources to process and develop an end product.
6. Review development proposals so they do not deteriorate the historical and cultural resources of the Town.
7. Expansion of existing non-metallic mining operations or development of new sites may be allowed.
8. Preserve shorelands where critical natural habitats, floodways, historic sites, old growth forests, scenic open spaces, steep slopes, or wetlands are present.
9. Identify historical structures within the town, such as fire towers, churches, and resorts.



## Chapter 3: Housing



**CHAPTER 3:  
HOUSING**

This is the third of nine chapters of the Phelps Comprehensive Plan. It is based on the statutory requirement for a compilation of objectives, policies, goals, maps and programs to provide an adequate housing supply that meets existing and forecasted housing demand. As required by the state's comprehensive planning law [§66.1001 (2)(b) Wis. Stats.], this chapter provides a basic housing stock assessment and identifies policies and programs that promote the development of housing for all residents of the Town including a range of choices that meet the needs of persons of all income levels, age groups and special needs; that promotes the availability of land for low-income housing; and that maintains the existing housing stock.

**A. Housing Assessment**

**1. STRUCTURAL CHARACTERISTICS**

The majority of housing units in the Town of Phelps and the surrounding towns are single-family homes (1-detached), see TABLE 1. There is also a variety of multiple unit housing within the Town (3.4%), and mobile homes (8.3%). The "5 or more" housing unit buildings in Town may be group residences, or could be apartment buildings. Phelps has 42 housing units in buildings that have at least 5 of these units together in the same building.

TABLE 1:  
Housing Units by Structural Type, 2000

	1, detache d	1, attached	2	3 or 4	5 or more	Mobile Home	Other	Total
Town of Phelps	1,388	12	6	6	42	134	18	1,606
T of Conover	1,520	3	6	4	5	67	2	1,607
T of Land O' Lakes	1,157	18	17	4	101	77	--	1,374
T of Washington	1,504	4	17	--	29	112	4	1,670
T of Alvin, Forest County	324	--	--	--	--	79	10	413
T of Hiles, Forest County	642	9	2	--	2	91	7	753
Vilas County	19,928	261	306	120	536	1,197	49	22,397

Source: U.S. Census Bureau

Several of the housing units in the Town, were originally built in the early 1900's as living quarters for employees of the mill and chemical plant that operated in the town. In addition, there are some multi-family units located in Phelps, including an elderly assisted living facility operated by In Care.

## 2. AGE CHARACTERISTICS

TABLE 2 indicates the age of the housing stock in the Town of Phelps area that is based on the year the structures were built as reported in the 2000 Census.

Housing in Phelps, Conover, and Washington all include a spike of over 400 housing starts from 1940-1959; then declined to only about 100 housing starts in the 1960s; followed by about 250 housing starts in the 1970s; and then each town followed its own path of growth. Conover continued a gradual climb in housing being built in each of the following decades. Phelps and Washington both contracted to 200 housing starts in the 1980s, and then housing starts climbed to more than 300 and 450 respectively in the 1990s.

Housing in Alvin, Hiles, and Land O' Lakes was generally evenly constructed in each decade, with about 15 percent in most decades, and over 20 percent of housing built in the 1990s.

TABLE 2:  
Year Structure Built, 2000

	1939 or earlier	1940-1959	1960-1969	1970-1979	1980-1989	1990-2000
Town of Phelps	281	438	109	271	188	319
T of Conover	104	471	76	256	338	362
T of Land O' Lakes	202	242	181	221	217	311
T of Washington	156	500	140	243	158	473
T of Alvin, Forest County	51	77	51	46	40	148
T of Hiles, Forest County	148	146	69	158	103	129
Vilas County	2,375	4,889	2,153	4,066	3,374	5,540

Source: U.S. Census Bureau

### 3. OCCUPANCY CHARACTERISTICS

TABLE 3 breaks down the occupancy status of housing units in the Town of Phelps. Over 60 percent of homes in Phelps are seasonal units, which is no surprise since this area is known as “Up North” to visitors statewide. Only 35 of the housing units were occupied year round. Of those occupied houses, 474 or 85 percent were owner occupied, while 86 or 15 percent were renter-occupied.

TABLE 3:  
Residential Occupancy Status, 2000

	Total Housing Units	Owner Occupied	Renter Occupied	Vacant Units	
					Seasonal (Part of Vacant Units)
Town of Phelps	1,605	474	86	1,045	987
Town of Conover	1,440	445	38	957	925
Town of Land O' Lakes	1,337	325	87	925	886
Town of Washington	1,706	605	78	1,023	988
Town of Alvin, Forest County	411	87	9	315	295
Town of Hiles, Forest County	761	190	9	562	513
Vilas County	22,397	7,416	1,650	13,331	12,587

Source: U.S. Census Bureau

### 4. VALUE CHARACTERISTICS

The year 2000 median value of housing stock in the Town of Phelps is below Vilas County's median. See TABLE 4 for more details. About 50 percent of Phelps, Conover, and Hiles house values are below \$100,000. About 70 percent of Alvin house values are below \$100,000. Phelps, Land O' Lakes, Washington, and Vilas County all have at least 8 percent of housing valued above \$300,000.

TABLE 4:  
Housing Values, 2000

	<\$50,000	\$50,000 to 99,999	\$100,000 to 149,999	\$150,000 to 199,999	\$200,000 to 299,999	\$300,000 and up	Median Value
Town of Phelps	14.5%	34.9%	16.1%	15.5%	10.2%	8.9%	\$102,100
Town of Conover	5.1%	43.3%	20.5%	17.7%	10.2%	3.0%	\$103,500
Town of Land O' Lakes	6.0%	32.7%	27.6%	10.6%	13.4%	8.8%	\$127,800
Town of Washington	2.3%	30.3%	35.6%	13.9%	9.7%	8.4%	\$125,800
Town of Alvin, Forest County	14.0%	56.0%	18.0%	4.0%	8.0%	--	\$84,400
Town of Hiles, Forest County	13.3%	41.4%	13.3%	11.7%	16.4%	3.9%	\$87,000
Vilas County	5.0%	33.3%	25.5%	14.3%	13.3%	8.7%	\$120,200
Wisconsin	6.5%	35.4%	30.6%	15.5%	8.5%	3.5%	\$112,200

Source: U.S. Census Bureau

## B. Housing Programs

Various organizations offer a variety of programs to assist with the purchase, rehabilitation, or construction of housing. Many of these programs are listed below:

Community Development Block Grants (CDBG) are administered by the Department of Administration, Division of Housing & Intergovernmental Relations (DHIR). Communities are allowed great latitude in how CDBG funds can be used, including land acquisition, housing rehabilitation, and in certain circumstances new construction, direct assistance to homeowners such as down-payment assistance or revolving loan funds for first-time buyers, concentrated building code enforcement, and planning and administrative expenses. There is a range of programs that can be utilized in the form of CDBG grants to foster affordable housing.

Housing Repair and Rehabilitation Grant: This program is administered by the Rural Housing Service of the USDA Rural Development Department. Seniors aged 62 and older may obtain a grant for rehabilitating their home provided they are below 50% of the area median income and are unable to procure affordable credit elsewhere.

Housing Repair and Rehabilitation Loan: Also administered by USDA, this program is a loan for rehabilitation provided applicants meet the same standards as the grant above.

Rural Housing Guaranteed Loan: USDA also offers this loan that is used to help low-income individuals or households purchase homes in rural areas. Funds can be used to build, repair, renovate or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

Rural Housing Direct Loan: USDA-Rural Development also offers this loan to provide financing at reasonable rates and terms with no down payment. The loan is intended for low-income individuals or households to purchase homes in rural areas. Funds can be used to build, repair, renovate or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

Rural Housing Direct Loan: USDA-Rural Development uses this program to help very low- and low-income households construct their own homes. The program is targeted to families who are unable to buy clean, safe housing through conventional methods.

HUD's FHA Loan: This program is administered by the U.S. Housing and Urban Development Department and offers a low down payment of 3% mortgage loan for home purchase or construction for selected applicants under certain income limits.

HUD Insured Loans for Condominiums, Energy Efficiency, Special Credit Risks, and Rehabilitation: These programs are administered by the U.S. Housing and Urban Development Department. HUD will insure selected applicants under certain income limits when procuring loans for rehabilitation or for rehabilitation at the time of purchase.

FHA HUD 203(k) Home Rehabilitation Loan Program: Whereas HUD desires to see current housing stock rehabilitated, this program provides owner occupants of existing homes, or intended owner occupants who are looking to purchase a home, readily available mortgage money to refinance/rehabilitate or purchase/rehabilitate their homes, respectively.

VA Home Loans: These loans, administered by the U.S. Department of Veterans Affairs, are often made without any down payment at all, and frequently offer lower interest rates than ordinarily available with other kinds of loans. These loans may be used for purchase or construction up to \$240,000.

HOME Loans: The Wisconsin Housing and Economic Development Authority (WHEDA) offers federal HOME Investment Partnership Program loans with a low, fixed interest rate to help low- and moderate-income individuals and families buy a home.

North East Wisconsin Community Action Program (NEWCAP) is a non-profit organization serving twelve counties providing assistance in the area of housing, emergency services, and employment & training among others. In Vilas County the agency provides housing assistance for the Section 8 - housing voucher program and homebuyer and rehabilitation program.

### **C. Goals, Objectives & Policies**

Although the town has not historically played a role in housing, it supports equal opportunity housing, and understands the importance of sound housing stock for its residents and the community as a whole. A review of housing stock assessment information has led to the establishment of the following housing policy statement:

Goals:

1. Promote housing development that provides a variety of housing choices for residents of all income levels, age groups, and people with special needs.
2. Promote the availability of land for the development or redevelopment of low- and moderate-income housing.
3. Maintain and rehabilitate existing housing as appropriate.

Objectives:

1. Direct residential development to areas designated on the Future Land Use Map.
2. Discourage residential development in agricultural or silvicultural areas except for related uses.

Policies:

1. Provide adequate areas for residential development on the Future Land Use Map.
2. Promote housing programs that assist residents with maintaining or rehabilitating existing housing units.
3. Encourage residential developers to provide a variety of housing types for all income and age groups.



## Chapter 4: Utilities & Community Facilities



## **CHAPTER 4 UTILITIES & COMMUNITY FACILITIES**

This is the fourth of nine chapters of the Town of Phelps Comprehensive Plan. It is based on the statutory requirement for a compilation of objectives, policies, goals, maps and programs to guide future development of utilities and community facilities. As required by the state's comprehensive planning law [§66.1001(2)(d) Wis. Stats.], this chapter inventories existing public utilities and community facilities and assesses future needs for such services including those beyond the control of the Town located outside the community and/or under another jurisdiction.

### **A. Background**

Providing public infrastructure, such as roads, parks, sewer and water service, and services, such as police, fire, and ambulance protection are the major functions of local government. In addition to these public services, both public and private entities provide electricity and telephone service as well as such specialized services as child-care, health-care, and solid-waste disposal. They also represent a large investment of public and private resources.

The efficient utilization of these resources is one of the basic principles of comprehensive planning. Already in-place infrastructure is a public asset that must be safeguarded for the future, both to conserve and protect environmental values and to maximize the benefits of economic growth. Development that bypasses or ignores existing infrastructure resources is wasteful of the public investment that they represent. Development patterns that require the extension of utilities and the expansion of public facilities while existing facilities go unused at other locations is probably not the best use of scarce public resources.

### **B. Inventory of Existing Facilities**

As a community anticipates future growth it is important that the necessary infrastructure and services are inventoried. See the Community Facilities Map.

#### **1. Water And Wastewater Facilities**

Most of the water is provided via private water wells throughout the town. Groundwater is the source of all of these water systems. Most wastewater is also

handled by private on-site septic systems that discharge to underground drainage fields and may include: conventional (underground), mound, pressure distribution, at-grade, holding tank, or sand filter systems. The Wisconsin Departments of Commerce and Natural Resources regulate these on-site wastewater treatment technologies.

There is a sanitary district that provides service throughout much of the “village” (the developed area along Highway 17 on North Twin Lake) of Phelps. A sanitary board controls water and sewer service within the sanitary district. The board oversees continual system updates are performed.

The Phelps Sanitary District No. 1 supplies the developed portion of the town with both a water supply and waste water system. In 1969, the town decided to construct its public sewer and water systems at the same time. The town's original well (Well No 1) is located along STH 17, as is the water stand pipe; both of these components were constructed in 1972. The water system and sewer systems were both upgraded in 2009. A new well was constructed at the request of the Wisconsin Department of Natural Resources to serve as a back-up to Well No. 1. This well is located on Deerskin Road. The town's water stand pipe provides an overhead storage capacity of 60,000 gallons. The system's capacity is 100,000 gpd, while average consumption is 50,000 gpd.

A wastewater treatment pond, lab and air-blower room were constructed in 1972, and are located along STH 17. In 2000, the wastewater treatment facility was upgraded from its original design which consisted of one pond which was split into two cells by a baffle, into a new pond containing new aeration-mixing units. The upgrade resulted in the following:

- ◆ Increase in loading from 3.84 million gallons to 6 million gallons.
- ◆ Storage days in the summer went from 33.4 days to 52.2 days, and winter storage days went from 47.4 days to 74 days.
- ◆ Surface area increased from 1.57 acres to 2.5 acres.
- ◆ Aeration requirements went from 100 cubic feet per minute to 520 cubic feet per minute.

The 2000 upgrade also included the construction of a new lab and office were constructed, while the old lab and blower rooms were converted to house the large aeration blowers for the new treatment system. Overall, the plant's maximum design capacity is 115,000 gpd with an average load is 68,000 gpd.

As a result of the upgrade, the system is designed to be viable for the community through the year 2014. In addition, the town owns several acres,

which would allow for additional future expansion of the wastewater treatment system.

## 2. Solid Waste Disposal and Recycling Facilities

Refuse collection service is provided to town residents by a private service. The landfill site, which services Phelps, is the Highway G Landfill and Waste Processing Facility, which is located in Eagle River. The landfill was opened in 1990. There is also a drop off and transfer site provided by the town, located on DNR Vista Lane in Phelps.

## 3. Power and Telecommunications Facilities

Electrical service and natural gas services are provided by WE Energies. Verizon North provides basic telephone service. Other local vendors, such as Sonic Net, supply Internet service and Verizon Wireless and AT&T Mobility provides wireless phone service.

## 4. Park and Open Space Facilities

A variety of park and recreational facilities are located within the Town of Phelps. In 1995, Phelps developed a Five-year Outdoor Recreation Plan, which identifies and analyzes the existing town park and recreational facilities. The plan also provides recommendations for facility improvements, expansion, and land acquisition for both existing and proposed town recreational facilities. See the Community Facilities Map.

There are four parks in the town:

Wavering Park is a 42 acre town-owned park facility which is located on the south side of STH 17 approximately ¼ mile east of the downtown. This park is the focal point of community-based outdoor recreation activities, and of the efforts of the Phelps Park Commission. Major facilities at the park include a baseball diamond, softball diamond, two tennis courts, two basketball courts, a regulation-size soccer field, and sand volleyball court, among a variety of other recreational facilities for all ages in the community.

North Twin Beach is a park that includes a small beach area (approximately ¼ acre), which is located on North Twin Lake. Both area residents and visitors use the park. The primary focus of the beach is for swimming and passive recreation, and the site includes picnic tables and grills.

Downtown Lakefront Park is located along the lakeshore in the town on North Twin Lake. Both visitors and residents use the park. Facilities include a public pier, benches, and picnic tables.

Smoky Lake Boat Landing and Park is located on the far east side of the Town. The facility has a beach, boat landing, picnic tables, grills, small shelter, and primitive toilets. The park is about 1 acre in size.

In addition to these parks, the Town operates a Shooting Range. The range is located along Shooting Range Road. This facility has a primitive toilet, shelter area, picnic tables, 6 shooting benches, target ranges from 25 yards to 300 yards, and a trap shooting area. The range is on a 40-acre town owned parcel.

## 5. Child Care

According to the Wisconsin Department of Health and Human Services there is one facility located in Phelps. There are several others in the Land O' Lakes area.

## 6. School

Phelps School District provides educational facilities for the Town of Phelps. All grades (4 year old kindergarten – 12) are all located in one facility, which is located on Old School Road in the Town of Phelps.

The existing school was originally constructed in 1938, with additions completed in 1978 and again in 1996. Upon completion, the additions increased the school to about 82,888 sq. ft., which can accommodate approximately 300 students.

In addition to providing the town's educational facilities, the school building also serves various functions for the general public. The commons area is utilized by the town for various meetings and programs, the weight room is open for use, open gym is provided for the public, and people may also walk in the gym in the morning before the school day begins.

## 7. Emergency Services

### Police

The Vilas County Sheriff's Department provides police protection in the Town of Phelps. They patrol all county roads and respond to 911 calls. In addition, the Wisconsin State Patrol has statewide jurisdiction on all public roads. Police protection services for the town are provided by the Vilas County Sheriff's Department which is located in the city of Eagle River. In addition to the

county's services, the town of Phelps has a part-time Town Constable with limited enforcement power.

### Fire

The Town's fire services are provided by the Phelps Volunteer Fire Department. Phelps also has a joint fire service agreement with the town of Stambaugh, Michigan, and is involved in mutual aid agreements with Vilas County, Oneida County and Forest County, Town of Alvin. The mutual aid agreements are written contracts which state that the departments will assist one another, if needed, at no cost.

### Ambulance/First Responders

The Phelps Area EMS provides ambulance and first responder service throughout the town. Mutual aid agreements exist with all the surrounding communities, and into Michigan as well. The Intermediate Tech level staff and ambulances are housed with the Town Fire Department.

### 8. Medical Services

The Aspirus Lilian Kerr Medical Clinic provides medical services in the area. The nearest hospital are in Eagle River and Iron River, Michigan.

### 9. Cemeteries

There are two established cemeteries in the town. One is the "Phelps Cemetery" which is about 5 acres in size, and the other is the "Volkman Cemetery" which is about 1 acre in size. There is a possible Native American site located on South Shore Road, but it is overgrown and undefined.

### 10. Library

The Phelps Eleanor Ellis Library is housed with the town hall and offices, and occupies about 2,100 square feet.

The Public Library is supported financially by the town for all to use, and is part of the Northern Waters Library Service.

### 11. Government Facilities

The Town of Phelps' administrative facilities/town offices are housed in the Phelps town hall which is located on Town Hall Road. This building includes 760 sq. ft. for meetings, 108 sq. ft. for administrative functions, and the Phelps Public Library. The building was constructed in 1968 and updated in 2008.

The town board meets the second Monday of every month at 7:00 p.m. at the town hall. The board consists of five members that serve staggered two-year terms.

Most of the town's public buildings are located adjacent to one another on Town Hall Road. These buildings include the town hall and office, town shop and the fire hall. The town hall and town office building is described in detail under Administrative Facilities/Services. The town shop is used to house/store road equipment and other town of Phelps equipment, and also to perform maintenance on the equipment. The shop was constructed in 1956 and the fire hall was constructed in 1982. There is also a salt shed located on Strong Road.

## 12. Other Community Facilities

There are four churches located in the town. These include Twin Lakes Bible Church located on STH 17, St. Mary's Catholic Church located on Town Hall Road, St. John's Lutheran Church located on STH 17, and the Phelps Congregational Church which is also located on STH 17.

The Phelps Post Office provides postal service throughout the area and is located on Highway E. Also significant to the area are the Phelps First National Bank and the Asprirus Lillian Kerr Nursing Home.

## C. Goals, Objectives, and Policies

Goals:

1. Maintain and improve the high quality of existing town services.
2. Balance the need for town growth with the cost of providing public services.
3. Provide adequate infrastructure and public services to meet existing and future market demand for residential, commercial and industrial uses.

Objectives:

1. Share equipment and services across Town boundaries, whenever possible.
2. Consider the potential impacts of development proposals on groundwater quality and quantity.

Policies:

1. Continue to provide ambulance, volunteer fire, and first responder services to residents.
2. Make information available to residents on the proper maintenance of septic systems.
3. Develop and maintain a Capital Improvements Plan for major equipment purchases.
4. Provide and maintain a safe and reliable town roadway network, including curbs, gutters, and sidewalks.
5. Evaluate the need to expand its fire hall to afford adequate space for the storage of its fire service and related equipment.
6. Monitor and review current service agreements as needed.
7. Continue to invest in new public works equipment and maintain existing equipment in order to adequately, and economically, perform required duties.
8. Continue to maintain and upgrade its wastewater treatment plant facility as continued residential and commercial development increases the public utility demands within the town. Adequate space is available for future wastewater treatment plant expansion.
9. The town's sewer and water administration, procedures, and policies needs to be reviewed relative to permitted development within the sanitary district. The district should provide *both* sewer and water to new development within the district.

10. Continue to allocate funds for the construction of a community center that will serve various town needs.
11. Continue its joint fire service agreement with the Town of Stambaugh, Michigan, as well as its involvement in mutual aid agreements with Vilas, Oneida and Forest counties.
12. Evaluate the need to expand/rebuild its town shop to meet the needs of providing adequate housing for the town's maintenance equipment.
13. Continue to maintain and upgrade its public water supply system facilities. The town should continue its Wellhead Protection Plan and make amendments as needed.
14. Periodically update its five-year outdoor recreation plan to ensure the recreational needs of the community are being met.

## Chapter 5: Transportation



## **CHAPTER 5: TRANSPORTATION**

This is the fifth of nine chapters of the Town of Phelps Comprehensive Plan. It is based on the statutory requirement [§66.1001(2)(c) Wis. Stats.] for a compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation. This chapter compares the Town's objectives, policies, goals and programs to state and regional transportation plans. The chapter also identifies highways within the Town by function and incorporates state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply.

### **A. Review of State Plans**

#### **1. Corridors 2020**

Corridors 2020 was designed to enhance economic development and meet Wisconsin's mobility needs well into the future. The 3,200-mile state highway network is comprised of two main elements: a multilane backbone system and a two-lane connector system. All communities over 5,000 in population are to be connected to the backbone system via the connector network. Within Vilas County, U.S. Highway (USH) 45 is designated as part of the Corridors 2020 system. USH 45 is a connector that runs north and south just to the west of the Town.

This focus on highways was altered in 1991 with the passage of the federal Intermodal Surface Transportation Efficiency Act (ISTEA), which mandated that states take a multi-modal approach to transportation planning. Now, bicycle, transit, rail, air, and other modes of travel would make up the multi-modal plan. The Wisconsin Department of Transportation's (WisDOT) response to ISTEA was the two year planning process in 1994 that created TransLinks 21.

#### **2. TransLinks 21**

WisDOT incorporated Corridors 2020 into TransLinks 21, and discussed the impacts of transportation policy decisions on land use. TransLinks 21 is a 25-year statewide multi-modal transportation plan that WisDOT completed in 1994. Within this needs-based plan are the following modal plans:

- State Highways Plan 2020
- Airport System Plan 2020
- Bicycle Transportation Plan 2020
- Wisconsin Pedestrian Policy Plan 2020
- Wisconsin Rail Issues and Opportunities Report
- No plans exist for transit or local roads.

### 3. Connections 2030

Connections 2030 will be a 25-year statewide multi-modal transportation plan that is policy-based. The policies will be tied to “tiers” of potential financing levels. One set of policy recommendations will focus on priorities that can be accomplished under current funding levels. Another will identify policy priorities that can be achieved if funding levels increase. Finally, WisDOT may also identify critical priorities that we must maintain if funding were to decrease over the planning horizon of the plan. This plan will not conflict with the Town of Phelps Comprehensive Plan, because the policies are based upon the transportation needs outlined in TransLinks 21. Recommendations will be presented in “multimodal corridors.” The Town of Phelps is in the Wisconsin River corridor.

### 4. State Trails Network Plan

The Wisconsin Department of Natural Resources (DNR) created this plan in 2001, to identify a statewide network of trails and to provide guidance to the DNR for land acquisition and development. Many existing trails are developed and operated in partnership with counties. By agreement the DNR acquires the corridor and the county government(s) develop, operate, and maintain the trail.

## **B. Transportation Inventory**

### 1. Road Network

The road network provides for the movement of people and products within the town with connections to county, state/federal highways. Highway 17 and County Highways A, E, and K are the primary roads in addition to the numerous town roads. In all, the road network is over 130 miles. See Map 4-1: Transportation & Community Facilities.

a. Jurisdictional and Functional Classification

Public roadways are generally classified by two different systems, the jurisdictional and functional. The jurisdictional class refers to which entity owns the facility and holds responsibility for its operations and maintenance. The functional class refers to the role the particular segment plays in moving traffic within the overall system. Each is described in more detail below. The jurisdictional breakdown is shown in Table 5-1. All road mileage totals listed under the jurisdiction of Town are submitted to WisDOT for local road funding.

A functional classification system groups streets and highways into classes according to the character of service they provide. This ranges from providing a high degree of travel mobility to providing access to local parcels. See below:

**Principal Arterials** – The principal function is to provide the most efficient movement for relatively large volumes of traffic at increased speeds. Movement to and from other road facilities is limited to controlled interchanges. Regional movement of traffic contributes an increasing portion of the traffic counts.

**Minor Arterials** –The principal function is to provide efficient traffic movement for larger volumes of traffic. Little or no direct access is strived for with non-local destinations comprising a major portion of the traffic.

**Major Collectors** –The principal function is to provide an intermediary link between efficient movement of arterials and accessibility of local roadways. They serve to funnel or collect traffic from local roadways to arterials. More efficiency of movement is strived for in favor of accessibility.

**Minor Collectors** – The principal function is to provide traffic with access to and from property. It is the grass roots classification where accessibility for vehicles and pedestrians is emphasized and efficiency of movement is secondary.

**Local Roads** – provide direct access to residential, commercial, and industrial developments.

Using the roadway classifications, the Town of Phelps has the service of 8 major collectors, including STH 17, CTH A, CTH E, CTH K, Kentuck Lake Road, Deerskin Road, Anvil Lake Road, and a portion of Indian Road. STH 17 dissects the town into a northern half and a southern half, and follows the shoreline of the south side of North Twin Lake and South Twin Lake, ultimately connecting with USH 45. This highway provides for larger volumes of traffic entering the central portion of the town and entering or leaving Wisconsin/Michigan. CTH A is located in the southern portion of the town south of Big Sand Lake and Long Lake, and provides access to STH 17 in the central portion of the town. CTH E, located in the northern portion of the town, provides a link between STH 17 in the central

portion of Phelps and USH 45/STH 32 in the town of Land O' Lakes. CTH K provides direct access to and from the west to CTH E, which then allows access to STH 17. CTH K runs north of North Twin Lake, and stretches across the mid-section of Vilas County. There are also some local roads that are classified as major collectors, all of which are located in the southern portion of the town. Kentucky Lake Road provides access to and from CTH A, and runs in a north - south direction. West of Kentucky Lake Road, the link of Deerskin Road, to Indian Road, to Anvil Lake Road is considered to be a major collector route. This route connects provides access to STH 17 near North Twin Lake by means of Deerskin Road.

In addition to the major collectors, there are three local roadways, which are considered minor collectors, including W. Shore Road, S. Shore Road, and Sugar Maple Road, all of which are located in the northern portion of the Town, and linked together. West Shore Road is located along the west shore of lake Lac Vieux Desert and connects with CTH E, which then provides access to S. Shore Road which travels along the southern shore of the lake. Sugar Maple Road connects with S. Shore Road and provides access to CTH E in the central portion of town.

Table 5-1 displays mileage for both the jurisdictional and functional classification of roads within the town.

**Table 5-1:  
Road Mileage by Jurisdiction and Functional Class**

Jurisdiction	Functional Classification			Totals
	Arterial	Collector	Local	
Federal/State	14.32			14.32
County		17.41		17.41
Town		20.63	81.53	102.21
<b>TOTALS</b>	14.32	38.09	81.53	133.94

Source: WisDOT & NCWRPC.

In addition to these main classifications, a road or segment of road may hold a number of other designations, such as forest road, rustic road, emergency or evacuation route, truck route, bike route, etc.

b. Average Annual Daily Traffic (AADT) Counts

Annual average daily traffic (AADT) counts are measured and calculated on selected high traffic roads and highways every three-, six-, or ten-years (depending upon functional classification) by the Wisconsin Department of

Transportation (WisDOT). Monitoring these counts provides a way to gauge how traffic volume is changing in Phelps.

There are several count sites located throughout the town, many along Highway 17. The Transportation & Community Facilities Map identifies the site locations with the most current count information for all sites.

In general traffic generated and attracted by any new land use can increase congestion on the roadway system. Even without creating new access points, changes in land uses can alter the capacity of the roadway. Uncontrolled division of land tends to affect highways by increasing the amount of turning traffic into and out from intersecting driveways, therefore impairing safety and impeding traffic movements.

c. Road Improvements

WisDOT requires all local units of government to submit road condition rating data every two years as part of the Wisconsin Information System for Local Roads (WISLR). The Pavement Surface Evaluation and Rating (PASER) program and WISLR are tools that local governments can use to manage pavements for improved decision making in budgeting and maintenance. Local governments can use this information to develop better road budgets and keep track of roads that need repair. The Town participates in this program to maintain WisDOT funding for local roads.

Table 5-2 lists the only planned state road improvements in the town from WisDOT's 6-year highway improvement program.

**Table 5-2:  
Planned State Road Improvements (2009 – 2013)**

Year	Road/Highway	Miles	Type of Improvement
2009	STH 17 Phelps to CTH A	3.3	Replace pavement on south 1.3-mile rural segment; urban reconstruct to include sidewalk, and streetlights.
2010-2013	STH 17 CTH A to Michigan State Line	5.6	Replace pavement, and all traffic signs

Source: WisDOT, April 2009

#### d. Trucking

The WisDOT truck operator map identifies Wisconsin highways for operation of vehicles and combinations of vehicles where the overall lengths of which cannot be limited. County trunk highways limit semi-truck travel when they are posted with weight limits in spring. When county trunk highways do not have posted weight limits, then basic semi-trucks are allowed.

Local truck routes often branch out from these highways to link local industry with the official designated state highways as well as for the distribution of commodities with the local area.

#### 2. Transit and Transportation Facilities for the Disabled

There is no fixed route or on-call transit available to the general public. Specialized transit is transportation that is accessible to elderly and handicapped people. Vilas County has applied for several specialized transit vehicles for use among various non-profit providers that serve people in Phelps. The following groups provide specialized transit:

Vilas County Commission on Aging Escort—Any older adult (60 and older) and handicapped people (any age) are eligible. Letters are sent out at the end of each month requesting a donation for the number of miles the passenger was transported. Donations are not required for further service. Reservations are needed one day in advance for this door-to-door service that is provided on weekdays and weekends upon request.

#### 3. Bicycling and Walking

All roads except freeways are available for bicycle and pedestrian travel. The Bicycle Federation of Wisconsin along with WisDOT have determined what the bicycling conditions are on all county and state highways. Under current conditions County Highway A and parts of Highway 17 are identified as best conditions for bicycling. Bike trails have become very popular in the area. There are trails that utilize the former rail corridor and along Song Hill Lane from Conover.

#### 4. Rail

There is no rail service in close proximity to Phelps. Shipments via rail would have to be trucked from nearby cities with rail access.

## 5. Air Transportation

Air passenger services available to Phelps residents include the facilities in Land O'Lakes, Eagle River, and Rhinelander.

The Eagle River Union Airport is located approximately 11 miles southwest of Phelps. This facility provides charter services, and facilities for private and corporate air transportation. Commercial flights are available during the summer. There is also a heliport located at the airport that is used for emergency related flights.

The (King's) Land O'Lakes Municipal Airport is located approximately eight miles northwest of Phelps. This airport provides general aviation charter services and has no scheduled flights. Charter services are available to destinations throughout the Midwest. The airport is designed to accommodate virtually all small general aviation aircraft. Typically, these aircraft are used for business and charter flying, or for personal use. Total aviation operations (take-offs and landings) at King's Land O' Lakes Airport are projected to remain stable around 8,400 per year through 2020.

Commercial air service available to town of Phelps residents is the Rhinelander/Oneida County Airport located approximately 37 miles southwest of the town of Phelps. The Rhinelander/Oneida County Airport is a short haul air carrier airport. This airport serves scheduled, nonstop, airline markets and routes of less than 500 miles.

## 6. Water Transportation

There are no harbors or ports within the Town, although there are 42 navigable lakes and rivers within town available for pleasure boating. There are 13 public boat landings are located in the town.

### **C. Goals, Objectives, And Policies**

Goals:

1. Provide an integrated, efficient and economical transportation system that affords mobility, convenience and safety to meet the needs of all citizens, including disabled citizens.
2. Support and maintain a safe and efficient Town road system.

#### Objectives:

1. Land uses that generate heavy traffic will be avoided on local roads that have not been constructed or upgraded for such use.
2. Future road locations, extensions or connections will be considered when reviewing development plans and proposals.
3. Maintain and reconstruct Town roads to preserve scenic, and aesthetic "Northwoods" setting while maintaining safety and mobility.
4. Support specialized transit by a variety of agencies that serve the Town's elderly and handicapped residents.
5. Promote the development of multi-use trails, trail linkages, and wide shoulders on roads as part of new developments or road projects.

#### Policies:

1. Roadway access will be spaced along the existing Town, County, and State road networks to increase safety and preserve capacity.
2. Prepare and update a 5-year Town Road Improvement Plan.
3. Cooperate with the county and the state on any project that affects the Town.
4. Update street signage to improve visibility for all residents and visitors.
5. Support recreational trails.
6. Design all Town roads to accommodate access requirements for emergency vehicles as well as school busses and snowplows.
7. Require traffic impact studies for large-scale developments, which have the potential to create on-site and off-site traffic problems.
8. Provide a pedestrian shopping environment, pedestrian linkages, i.e. sidewalks and trails, must be given equal precedence to roadways in development proposals.

9. Limit the number of driveway access points on local streets to improve traffic flow and maintain safety. When constructed, driveways should be adequately spaced to minimize vehicle conflict.
10. Consider developing an official map to govern the locations of future streets within the town.
11. Consider expanding on-street parking along the STH 17, downtown business district to accommodate parking needs, especially for the demands experienced during the peak season.
12. The town should also consider providing or coordinating off-street parking located to the rear of commercial buildings to accommodate for new development needs, as well as overflow from existing businesses.



## Chapter 6: Economic Development



## **CHAPTER 6 ECONOMIC DEVELOPMENT**

This is the sixth of nine chapters of the Town of Phelps Comprehensive Plan. It is based on the statutory requirement for a compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion of the economic base and quality employment opportunities in the Town. As required by the state's comprehensive planning law [§66.1001(2)(f) Wis. Stats.], this chapter reviews the economic base, labor force, and identifies select county, regional, state, and federal economic development programs.

### **A. Background**

Economic development is an organized process to expand the number and types of business, increase employment levels and opportunities, and increase the tax base. A part of the process to prepare for economic development is to identify local strengths and weaknesses and develop strategies to promote strengths and address weaknesses.

#### **1. Residential Strengths and Weaknesses**

The Town's strengths for attracting and retaining residential development are its lakes and forests. In addition, the town provides the basic services needed to support residential growth, such as emergency services and roadways. There are a variety of other amenities in the town as well.

The primary weaknesses for attracting or retaining residents are the lack of employment opportunities, a lack of starter houses for young families, and the general distance to more urban areas and their amenities.

#### **2. Business Strengths and Weaknesses**

The town has several tourism, service and retail businesses, but is lacking an industrial base.

The vast forests and lakes in the town and the surrounding area are strength for the wood industry, as well as recreational and construction businesses. Some weaknesses in attracting or retaining businesses include: lack of a business park, lack of rail access, distance to other industries and markets, and limited high speed Internet throughout the town.

## B. Economic Base, Labor Force and Forecasts

### 1. Economic Base

Table 1 displays employment by industry sector for both the town and the county in 1990 and 2000. The top three industry sectors in 2000 for the town are: Education, health, & social services; Construction; and Retail Trade. At the county level, the three largest sectors were Education, health & social services; Arts, entertainment, recreation, accommodation and food services; and Retail Trade.

In all, those three sectors make up 55 percent of total employment in the town and the top three sectors at the county represent 50 percent of total employment.

**Table 6-1:  
Employment by Industry Sector**

	Town of Phelps		Vilas County	
	1990	2000	1990	2000
Ag., Forestry, Fishing, Hunting & Mining	9	33	223	231
Construction	37	103	780	1,107
Manufacturing	40	24	640	643
Wholesale Trade	3	14	163	264
Retail Trade	100	73	1,852	1,457
Transportation, Warehousing & Utilities	16	16	326	324
Information	N/A	7	N/A	145
Finance, Insurance, Real Estate & Leasing	37	13	374	425
Professional, Scientific, Management, Administrative & Waste Mgmt Services	80	19	772	489
Education, Health and Social Services	129	126	1,205	1,666
Arts, Entertainment, Recreation, Accommodation and Food Services	1	72	91	1,536
Public Administration	8	20	346	521
Other Services	16	28	357	460
Totals:	476	548	7,129	9,268

Source: U.S. Census Bureau

Commuter data from 2000 indicates that only about 46 percent of workers remain in the town. Many travel outside of the town for employment about 43 percent travel outside the town, but still in the county to work. About 11 percent of commuters leave the county, with most of those going to Oneida County (7%).

The Census data presented is based on the where the person lives and not where they work. Since many town residents leave the town for employment we have added some additional information that examines the county as a whole. Using the Wisconsin Department of Workforce Development, where employment information is collected by location of the job. Using that county level data for 1990 and 2000, total county employment increased from 4,428 to 7,075, which is over a 50 percent increase. In 2000, the largest sectors were Services, Retail Trade and Government. Meanwhile, according to 2006 County Business Patterns, there were 959 business establishments operating in the county. There were 215 Accommodation & Food Services firms, followed by 201 Construction firms, and 171 Retail Trade firms. Total payroll of these firms exceeded \$148,350,000 that year.

## 2. Labor Force

Labor force is a critical component of economic development. In 2000, the total labor force in the Town was 582 of which 548 or 94.2 percent were employed. County wide the workforce in 2000 was 9,896. Therefore the town makes up a very small percent of the overall workforce in the county.

## 3. Forecasts

Employment forecasts are difficult to come by and not available at the town level. However, the Wisconsin Department of Workforce Development (WisDWD) prepares workforce projections by industry for its multi-county service regions. The current projections, released in October 2004, forecast only to 2012. The projections for the North Central Workforce Development Area cover Vilas County and include eight other counties. These projections show increases in all employment sectors except food manufacturing (0.2% decline) and paper manufacturing (16.4% decline).

The other sectors increase within a range from 0.2% (overall manufacturing) to 36.9% (ambulatory health care services). Town residents commute to jobs throughout the nine county area included in the forecasts, which includes Forest, Langlade, Lincoln, and Oneida.

## C. Economic Development Programs

Various organizations at the Local, County, Regional, and State level offer a variety of programs to assist with commercial and industrial economic development. Many of these programs are listed below:

### 1. Local

Chamber of Commerce:

This is a group which was created to promote recreation/tourism and business within Phelps. The chamber holds an annual Independence Day celebration and also an annual musky tournament. A recent accomplishment of the chamber is the development of a website to promote tourism via electronic information exchange.

Phelps Community Development Corporation:

The primary goal of this organization is to create an environment which will encourage the town board, the town's people, and the community as a whole, to progressively upgrade/revitalize the community's physical assets and spirit into a healthy and prosperous place to live. The objective of the Community Development Corporation is to achieve this goal in a planned manner, providing the leadership that is required.

### 2. County

The county has a standing Economic Development Committee that deals with numerous issues related to economic development. This committee has three standing duties:

- It shall perform duties as prescribed by the County Board and §59.56, Wisconsin Statutes. Pursuant to these statutes, this Committee shall sign contracts and hire University faculty and academic staff in conjunction with the University of Wisconsin-Extension.
- It shall promote economic and resource development, youth development, and family living education in the County.
- It shall cooperate with all federal, state and local agencies and officials in establishing any long range planning programs.

The county has a UW-Extension agent that staffs the committee and provides education and related services to the residents of the county. The county is underway with a study to examine the feasibility of creating a county economic development corporation.

### 3. Regional

In 2009 the county became a member of the North Central Wisconsin Regional Planning Commission (NCWRPC). Membership brings with it a variety of planning benefits and services. Among them are participation in the Economic Development District, including eligibility for a variety of grants administered by the U.S. Department of Commerce, Economic Development Administration.

In addition, by way of membership in the NCWRPC, the county is a member of the North Central Wisconsin Development Corporation which manages three revolving loan funds designed to address a gap in private capital markets for long-term, fixed-rate, low down payment, low interest financing.

### 4. State

Wisconsin Small Cities Program: The Wisconsin Department of Commerce provides federal Community Development Block Grant (CDBG) funds to eligible municipalities for approved housing and/or public facility improvements and for economic development projects. Economic Development grants provide loans to businesses for such things as: acquisition of real estate, buildings, or equipment; construction, expansion or remodeling; and working capital for inventory and direct labor.

Wisconsin Small Business Development Center (SBDC): The UW SBDC is partially funded by the Small Business Administration and provides a variety of programs and training seminars to assist in the creation of small business in Wisconsin.

Transportation Economic Assistance (TEA): This program, administered by the Wisconsin Department of Transportation, provides immediate assistance for the cost of transportation improvements necessary for major economic development projects.

Other State Programs: Technology Development grants and loans; Customized Labor Training grants and loans; and Major Economic Development Project grants and loans.

### 5. Federal

U.S. Dept. of Commerce - Economic Development Administration (EDA): EDA offers a public works grant program. These are administered through designated economic development districts and local governments for the benefit of the local economy and, indirectly, private enterprise.

U.S. Department of Agriculture - Rural Development (USDA – RD): The USDA Rural Development program is committed to helping improve the economy and quality of life. Financial programs include support for water and sewer systems, housing, health clinics, emergency service facilities, and electric and telephone service. USDA-RD promotes economic development by supporting loans to businesses through banks and community-managed lending pools. The program also offers technical assistance and information to help agricultural and other cooperatives get started and improve the effectiveness of their member services.

Small Business Administration (SBA): SBA provides business and industrial loan programs that will make or guarantee up to 90% of the principal and interest on loans to companies, individuals, or government entities for financing in rural areas. Wisconsin Business Development Finance Corporation acts as the agent for the SBA programs that provide financing for fixed asset loans and for working capital.

#### **D. Goals, Objectives, and Policies**

Goals:

- 1: Promote the expansion and retention of the current economic base and the creation of a range of employment opportunities.
- 2: Support residential development.
3. Develop and beautify the downtown and lakefront to become a centerpiece of the town, including an area for community functions.

Objectives:

1. Encourage new residential, commercial, and industrial development to locate in designated areas on the Future Land Use map.
2. Encourage businesses to locate in Town of Phelps.

Policies:

1. Encourage home-based businesses that do not significantly increase noise, traffic, odors, lighting, or would otherwise negatively impact the surrounding areas.
2. Direct commercial and industrial development to designated areas on the Future Land Use Map.
3. Continue to support the Chamber of Commerce and the county economic development efforts.
4. Focus economic development marketing on tourism orientated business, service, retail, and light industrial businesses.
5. Promote community activities and events that benefit local and downtown business and merchants.
6. Preserve and utilize old buildings and historic sites to anchor the downtown and areas small town theme.
7. Retain and acquire public common areas or park sites to accommodate special events and community activities in the downtown area.
8. Pursue opportunities for financial and other incentives to attract and locate business.
9. Develop a plan for the downtown waterfront in conjunction with local businesses, residents, and various community groups, to include landscaping and design.



## Chapter 7: Intergovernmental Cooperation



## **CHAPTER 7: INTERGOVERNMENTAL COOPERATION**

This is the seventh of nine chapters in the Town of Phelps Comprehensive Plan. The purpose of this chapter is to overview intergovernmental cooperation, inventory existing cooperative efforts, identify potential opportunities, and establish goals, objectives, and policies to promote intergovernmental cooperation.

### **A. Background**

The issue of intergovernmental cooperation is increasingly important; since many issues cross over political boundaries, such as watersheds, labor force, commuter patterns, and housing. Communities are not independent of each other, but rather dependent on each other. The effects from growth and change on one spill over to all surrounding communities and impact the region as a whole.

State-wide, Wisconsin has over 2,500 units of government and special purpose districts. Having so many governmental units allows for local representation, but also adds more players to the decision making process. In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as communication and information sharing, or it can involve entering into formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and revenue.

#### **1. Benefits**

There are many reasons intergovernmental cooperation makes sense. Some examples include:

##### **A. Trust:**

Cooperation can lead to positive experiences and results that build trust between jurisdictions. As jurisdictions communicate and collaborate on issues of mutual interest, they become more aware of one another's needs and priorities. They can better anticipate problems and work to avoid them.

B. Cost Savings:

Cooperation can save money by increasing efficiency and avoiding unnecessary duplication. Cooperation can enable some communities to provide their residents with services that would otherwise be too costly.

C. Consistency:

Cooperation can lead to consistency of the goals, objectives, plans, policies, and actions of neighboring communities and other jurisdictions.

D. Address Regional Issues:

Communicating and coordinating their actions, and working with regional and state jurisdictions, local communities are able to address and resolve issues, which are regional in nature.

The major beneficiary of intergovernmental cooperation is the local resident. They may not understand, or even care about, the details of a particular intergovernmental issue, but residents can appreciate their benefits, such as costs savings, provision of needed services, a healthy environment, and a strong economy.

## 2. Trends

A variety of factors, some long-standing and others more recent have brought the issue of governmental cooperation to the forefront. Some of these factors include:

- Local governments financial situation;
- Opportunity to reduce costs by working together;
- Elimination of duplication of services;
- Population settlement patterns and population mobility; and
- Economic and environmental interdependence.

In addition, as more jurisdictions create comprehensive plans and share them with surrounding communities, new opportunities for intergovernmental cooperation will be identified.

### 3. Tools of Intergovernmental Cooperation

There are some tools that can be used in the area of intergovernmental cooperation.

#### ✓ Shared Service Agreements

Wisconsin Statute s.66.0301, formerly 66.30, entitled "Intergovernmental Cooperation"; does enable local governments to jointly do together whatever one can do alone. Typically, intergovernmental cooperation and coordination refers to the management and delivery of public services and facilities. It is also dependent upon a defined geographic area within which cooperation and coordination may be feasible.

Intergovernmental agreements prepared using this statute, are the most common form of agreement and have been used by communities for years, often in the context of sharing public services such as police, fire, or rescue. This type of agreement can also be used to provide for revenue sharing, determine future land use within a subject area, and to set temporary municipal boundaries. However, the statute does not require planning as a component of any agreement and boundary changes have to be accomplished through the normal annexation process. Shared service agreements are utilized to allow this type of cooperation.

#### ✓ Municipal Revenue Sharing

Wisconsin Statute, 66.0305, Municipal Revenue Sharing, gives authority to cities, villages and towns to enter into agreements to share revenue from taxes and special charges with each other. The agreements may also address other matters, including agreements regarding services to be provided or the location of municipal boundaries.

Boundaries of the shared revenue area must be specified in the agreement and the term of the agreement must be for at least 10 years. The formula or other means for sharing revenue, the date of payment of revenues, and the means by which the agreement may be invalidated after the minimum 10 year period.

## **B. Inventory & Trends**

Currently there are numerous relationships and several general agreements in place. The following is a summary of existing and potential cooperative efforts.

## 1. Intergovernmental Relationships

### a. Surrounding Townships

Currently, there are mutual aid agreements with all of Vilas County, the Town of Alvin in Forest County, Watersmeet, Michigan, Stanbaugh, Michigan, and the WisDNR related to Fire Protection. There is also a separate agreement with the US Forest Service related to Fire Protection.

The Phelps Library is part of the Northern Waters Library Service. In addition, the Town is a participating member of the joint Vilas County Chamber of Commerce.

### b. County

Vilas County directly and indirectly provides a number of services to the Town and the Town enjoys a good working relationship with many of the responsible departments. These departments include Finance, Highways, Sheriff, Forestry, and Land Records.

The County Highway Department maintains and plows County, state and federal highways within the Town. The County Sheriff provides protective services through periodic patrols and on-call 911 responses. The Sheriff also manages the 911-dispatch center, not only for police protection, but also for ambulance/EMS response and dispatching the Town Fire Department. The Forestry and Outdoor Recreation Department maintains a county-wide park system and county forest system for the use and enjoyment of all residents. The County Zoning Department administers zoning in the Town and land conservation services including joint monitoring of surrounding lakes.

In many cases where state and federal agencies require area-wide planning for various programs or regulations, the County sponsors a county-wide planning effort to complete these plans and include each individual local unit in the process and resulting final plan. Examples of this include the County Outdoor Recreation plan which maintains the eligibility for Wisconsin Department of Natural Resources administered park and recreation development funding of each local unit that adopts it, and All Hazard Mitigation Plans which are required by Federal Emergency Management Agency in order for individual local units of government to qualify for certain types of disaster assistance funding.

Gogebic and Iron Counties, Michigan, is across the state line from the Town. There are some existing relationships and more that could be developed in the future.

## 2. School Districts

The Phelps School District includes the entire town and is located at 4451 Old School Road. The 4K-12 school complex also serves as the community center. The Town is included in the Nicolet Technical College District and the main campus is located in Rhinelander.

## 3. Sanitary District

The Phelps Sanitary District supplies water and sewer service to the core “village” area of the Town. Residents of the Sanitary District elect the members of the Sanitary Board.

## 4. North Central Wisconsin Regional Planning Commission

The North Central Wisconsin Regional Planning Commission (NCWRPC) was formed under §60.0309 Wis. Statutes as a voluntary association of governments serving a ten county area. Vilas County is a member of the NCWRPC, which includes all of its local units of government. Typical functions of the NCWRPC include (but are not limited to) land use, transportation, economic development, intergovernmental and geographic information systems (GIS) planning and services.

The NCWRPC is also assisting the county and several town comprehensive plans. Other countywide projects by the NCWRPC that cover the Town, included: a county economic development strategy, county regional bike route plan, human services public transit coordination plan, and the Conover – Phelps Community Wildfire Protection Plan (CWPP).

## 5. State and Federal Government

The Wisconsin Departments of Natural Resources and Transportation are the primary agencies the Town might deal with regarding development activities. Many of the goals and objectives of this plan will require continued cooperation and coordination with these agencies.

The WNR Resources takes a lead role in wildlife protection and sustainable management of woodlands, wetland, and other wildlife habitat areas, while Wisconsin Department Of Transportation is responsible for the planning and development of state highways, railways, airports, and other

transportation systems. State agencies make a number of grant and aid programs available to local units of government. Examples include local road aids, the Local Roads Improvement Program (LRIP) and the Priority Watershed Program. There are also a number of mandates passed down from the state that the Town must comply with, such as the biannual pavement rating submission for the Wisconsin Information System for Local Roads.

In Wisconsin, most federal programs are administered by the state, so the Town would be dealing with the responsible state agency with regard to federal programs and regulations.

### **C. Existing / Potential Intergovernmental Conflicts**

Overall the Town has a good working relationship with the surrounding towns, the county, and state agencies. However, there were some concerns identified that may need to be addressed in the future. A primary concern is the policy of closing roads and access to the National Forest lands. Closing of the roads results in limiting recreational activity and decreases tourism. Less access also results in less timber production, which in turn decreases a valuable raw material to the local wood industry. In addition, the payment in lieu of taxes or "PILT" formula, which is the payment for public lands in the town, lags behind the cost of services. No other potential intergovernmental conflicts were identified in this process.

The process for resolving some of these conflicts will in part be achieved by meeting with the surrounding towns when significant issues of mutual concern arise, including across the state border to Michigan.

### **D. Goal, Objective, and Policies**

As in the previous chapters of this plan, a series of goals, objectives, and policies are identified.

Goal:

1. Seek mutually beneficial cooperation with all levels of government.

Objective:

1. Maintain current agreements and explore additional opportunities with adjacent communities, including solid waste and recycling, protective services, invasive species, and technology.

Policies:

1. Meet with surrounding communities and the county to discuss issues of mutual concern, including those in Michigan, and obtain written agreements.
2. Investigate cost sharing or contracting with neighboring towns and the County to provide more efficient services or public utilities.
3. Maintain a working relationship with the School District related to facility planning, and the Sanitary District related to service area.



## Chapter 8: Land Use



## **CHAPTER 8: LAND USE**

This is the eighth of nine chapters of the Town of Phelps Comprehensive Plan. This chapter is based on the statutory requirement [§66.1001(2)(h) Wis. Stats.] for a "compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property". This chapter reviews existing land uses, trends, programs, and future land use.

### **A. Existing Land Use**

#### 1. Overview

Large blocks of federal forest cover much of the Town with residential development concentrated mainly along some of the lakeshores and primary roadways. Commercial development is concentrated along state and county roads in the Town of Phelps.

The residential development in the town consists primarily of single-family residences. Single-family residential development has taken place primarily adjacent to the shoreline along the many town lakes such as Lac Vieux Desert, Big Sand, and North Twin Lake. Inland residential uses are scattered throughout the town, and are typically located on relatively large wooded lots. About 60 percent of the residential housing units are seasonal. There are multi-family residential developments in the town, including the Northwoods senior housing complex directly adjacent to the Medical Center.

Commercial development includes resorts, highway, and community commercial. Highway commercial activities are located along STH 17. Some of the commercial developments are renovated single-family structures. The downtown business district serves both seasonal and year-round residents.

There are a few community commercial uses in the town, most of which are interspersed along STH 17. Included in this area are a hardware store, automotive service station, a sporting good/marine operation, a plumbing showroom and office, a design firm, a taxidermist, several restaurants, a gas station, a bank, a health care facility, a pharmacy, and a foundry operation. These businesses have a great seasonal tourist business, however, it is the permanent residents that utilize them year round, as the City of Eagle River is 17 miles away.

## 2. Public Lands

### A. Federal Lands

Approximately 52 percent of the total are of the Town of Phelps is included in the Nicolet National Forest, comprising 36,477 acres. The Nicolet National Forest covers approximately 661,377 acres in Vilas, Florence, Forest, Langlade, Oconto, and Oneida Counties in Wisconsin. Farming was not viable at that time and most farms were abandoned. Therefore, the forest was established in 1933 by presidential proclamation to reestablish the area's original tree-covered vegetation. Today, public access is allowed within the forest for enjoyment of its abundant natural resources, and beauty.

The U.S.D.A. Forest Service requires that Land & Resource Management Plans be prepared for all National Forest. These "forest plans" represent an integrated, ecological approach to managing the forests' natural resources and guide all natural resource management decisions. The plans provide direction for multiple-use management and the sustained yield of goods and services in an environmentally sensitive manner, termed "Ecosystem Management". These documents are dynamic, therefore they can and often are amended. Major topics that will be addressed in the revised plan include 1) access and recreational opportunities, 2) biological diversity, 3) special land allocation, and 4) timber production. Another item of particular interest is access and recreational opportunities.

### B. Wisconsin Department of Natural Resources

The Wisconsin Department of Natural Resources (WDNR) owns 70 acres of land in the Town of Phelps. This acreage includes property for the purpose of public access for fisheries along Lac Vieux Desert and Big Sand Lake.

### C. Others Ownership

#### Town-Owned Lands

Town-owned land comprises approximately 125 acres within the town.

#### Lac Vieux Desert Band of Chippewa Indians

The Lac Vieux Desert Band of Chippewa Indians owns approximately 114 acres along the eastern border of Lac Vieux Desert.

## Private Conservation Clubs

The Big Sand Lake Club owns approximately 594 acres of land along the eastern shore of Big Sand Lake

The WisMich Preserve owns approximately 262 acres of land within Phelps along the northeastern town border north of Big Sand Lake. The majority of this club's land is located in the state of Michigan to support natural resources there.

### 3. Existing Land Use Map

The intent of an existing land use map is to provide a general snap shot as to the existing uses of land within the town for planning purposes. The map shows only the dominant or primary use. Obviously, many parcels would have a house (residential), but also could have a business use (commercial) or farming (agricultural) uses. See the Existing Land Use Map.

Table 8-1 presents the current breakdown of land-use types within the Town. The majority of the Town is woodlands with over 56,700 acres or 82% and water covers about 13% of the Town. The next most significant land use type is residential with about 2,200 acres.

Land Use Classification	Acres	Percent
Agriculture	571	0.82%
Commercial	101	0.15%
Industrial	56	0.08%
Open Land	1,304	1.88%
Outdoor Recreation	182	0.26%
Residential	2,218	3.19%
Governmental/Public	20	0.03%
Transportation	472	0.68%
Woodlands	55,464	79.75%
Water	9,156	13.17%
Total	69,544	100.0%

Source: Air Photos, Town, & NCWRPC GIS.

## B. Land Use Trends

### 1. Land Supply

As shown by the existing land use inventory, the majority of the Town is "undeveloped" woodlands, so the supply of land "available" for development appears to be adequate. Nevertheless, even under a rapid growth scenario, the supply of land in the Town of Phelps is more than sufficient to accommodate projected demand over the next 20 years for all use categories.

### 2. Land Demand

Table 8-2 shows the projected increase of commercial, industrial and agricultural land uses in 5-year increments.

#### Residential:

The overall residential demand for land in the Town of Phelps is based on the projected increase in population, which in turn creates demand for housing. According to the projections displayed in Chapter 1, an addition 347 persons will reside in the town in 2030. Using existing person per household (2.29) we arrive at 151 new units. In addition to the year round units, the town has a large number of second homes (seasonal units). In 2000, those represented about 60% of the housing stock, therefore for projections we add an additional 91 units to reflect growth in the seasonal units. To determine the land needs is a simple calculation of 2 acres for each unit or about 485 acres total over the twenty-year period. Thus, about 121 acres of residential land is expected to be needed every 5 years to accommodate residential growth.

#### Industrial, Commercial and Agricultural:

Commercial and industrial development is subject to future market forces. However, projections are based on historical trends. Therefore, a simple method is to project a doubling of demand. In this case we would add 80 acres of commercial and 60 acres of industrial over the twenty-year period. During each 5-year period we need to accommodate 20 acres of commercial and 15 acres of industrial respectively. Only some minor agricultural areas were identified in the Town, and no additional areas are anticipated to move into agriculture.

	2010	2015	2020	2025	2030
Residential Acreage	121	121	121	121	121
Commercial Acreage	20	20	20	20	20
Industrial Acreage	15	15	15	15	15

Source: NCWRPC

### 3. Land Values

Overall equalized land values have increased over 160 percent over the last eight years; however, not all categories increased at the same rate. Residential property values increased over 185 percent, while manufacturing and commercial increased by 403 and 94 percent respectively. Ag-forest is a new category that did not exist in 2000. See Table 8-3 below.

Type of Property	2000	2009	% Change
Residential	79,028,000	190,734,400	137%
Commercial	4,290,700	5,878,700	37%
Manufacturing	19,700	72,300	267%
Agricultural	227,200	100,800	-56%
Undeveloped	183,200	1,193,900	552%
Ag. Forest	0	447,200	NA
Forest	12,294,000	22,566,500	84%
Other	84,500	55,000	-35%
Total Value:	96,127,300	221,048,800	130%

Source: WI DOR, 2000 & 2009 (does not include improvements)

### 4. Opportunities for Redevelopment

Identify underutilized or area areas with services.

Higher density type development should locate within the sewered area of the town. Identify this area on the map.

The most efficient development utilizes existing public services and infrastructure. The use of existing infrastructure and services is more cost-effective; therefore, new commercial, industrial and higher density residential development should be located in these areas. Areas where sewer & water and other infrastructure and services are not available should have minimal industrial and commercial development.

### **C. Existing and Potential Land Use Conflicts**

This Plan seeks to avoid or minimize potential future land use conflicts through controlled development, planned use-buffers and public information and education components. In order to attain that goal, it is important to identify the existing or potential conflicts between land uses in the town.

There may be some degree of undesirability between many land use combinations, such as a residential development in close proximity to a particular industrial or commercial development that might conflict with sight, sound, odor or other undesirable characteristics. Another example could be an auto salvage yard in proximity to a recreational or natural area, or a home business/occupational, commercial-type use in a single family area that has outgrown its roots.

In the other direction, an example of compatible land use could be residential development in association with wooded recreational lands or vacant open space areas. Obviously, with the constraints of existing development and limiting factors on future growth, the most desirable situations are not always possible. What should be strived for is an awareness of incompatible land uses and an effort to alleviate or avoid them where possible.

In terms of the Town of Phelps, land use in the town is generally desirable. Working with the business owners to modify the structures when and if remodeling or building takes place will be a benefit to the business as well as the entire community.

Home based businesses are becoming more popular as the workforce is disseminated from the office environment, and more people with entrepreneurial spirit are testing the waters of self-employment from their homes. Professional disciplines can be networked to the home office with Internet services and overnight mail. The transformation of the world wide web and fiber optic technology is changing the way people work and do business.

## D. Land Use Programs and Tools

The principle land use program in Wisconsin is the comprehensive planning program. The primary land use tools are zoning, subdivision ordinance, and official mapping.

Wisconsin Comprehensive Planning Program:

In October of 1999, the Governor signed into law Wisconsin Act 9, the Budget Bill, containing substantial revisions of statutes governing comprehensive planning. The law has been revised by the signing of two additional bills into law. The first is AB 872, containing "technical revisions" which was signed May 10, 2000. The second bill, signed April 13, 2004, is AB 608, which reduced the number of items that must be consistent with the plan to three, these are: official mapping, subdivision ordinances and zoning ordinances. Taken together these bills represent the most sweeping revision of the State's planning enabling laws in half a century.

The law (§66.1001 WI Stats.) requires all jurisdictions within the state that exercise control over land-use to prepare a comprehensive plan by 2010. It lays out the nine required chapters of the plan and requires a public participation process. Jurisdictions that do not have a comprehensive plan in place by the deadline may not engage in actions that impact land-use.

The comprehensive planning law is significant in many ways. The law creates for the first time a definition of a comprehensive plan; it requires that almost all local units of government have a plan; it sets requirements for public participation; and requires that the plan be consistent with local implementation tools. Most important, is that it maintains that the process be locally driven so all local units of government decide their own future. Implementation of the comprehensive plan is carried out through zoning, subdivision ordinance, and official mapping, among other tools.

- Zoning:

Zoning is the major tool used to regulate land uses and implement a comprehensive plan. The zoning ordinance regulates the use of property to advance the public health, safety, and welfare. It has been used throughout the United States and in Wisconsin since the 1920's.

A zoning ordinance creates different use zones or districts within a community. Each district has a list of permitted uses, which are uses that are desirable in a district. Each district may also contain a list of special uses, sometimes called

special exceptions or conditional uses, which are allowed under certain circumstances, and require review by a local body in to be allowed.

Zoning regulations are adopted by local ordinance and consist of two basic things, a map and related text. The zoning map displays where the zoning district boundaries are, and the text describes what can be done in each type of district. The Future Land Use Map and Zoning Map are the same and could be changed in the future based on public input.

Zoning should be derived from, and be consistent with, the policy recommendations adopted in the comprehensive plan. The desired land uses should “drive” the development of specific zoning ordinance provisions including district descriptions, permitted uses, conditional uses and the zoning map. This consistency has been important in upholding legal challenges in the Courts. Therefore, following the planning process it is critical that the zoning ordinance be updated to incorporate the findings of the plan.

The adoption of the comprehensive plan will inform the county on the Town’s goals, objectives, and policies. It will also explain the rationale behind these plan recommendations. These efforts should put the town in a strong position to work with the county on implementing zoning controls that are consistent with the town plan.

- Land Division:

Subdivision regulation relates to the way in which land is divided and made ready for development. A community can control the subdivision of land by requiring a developer to meet certain conditions in exchange for the privilege of recording a plat. While imposing conditions restricts the use of private property, the cumulative effect of land subdivision on the health, safety, and welfare of a community is so great as to justify public control of the process.

Of all the land use control devices available, subdivision regulation has probably the greatest potential. When compared with zoning, a well-administered subdivision control is more useful in achieving planning goals and its influence is far more lasting. Once land is divided into lots and streets are laid out, development patterns are set. Subdivision regulations can ensure that those development patterns are consistent with community standards. Subdivision regulations can also ensure the adequacy of existing and planned public facilities such as schools, wastewater treatment systems, water supply, to handle new growth. Finally, subdivision regulation can help ensure the creation and preservation of adequate land records.

There is some overlap between zoning and subdivision codes in terms of standards. Both ordinances, for example, can set lot sizes. Both can deal with the suitability of land for development. Implementing important plan techniques such as rural cluster development often requires use of the zoning ordinance and the subdivision ordinance.

A town land division code can provide the town the means to review and regulate new divisions of land to ensure consistency with the vision, goals, objectives, land protection criteria, and other recommendations of an adopted plan. The ordinance would require administration and enforcement by the town. Therefore, local control of divisions of land would require town funding. It also adds a layer of government involved in regulating proposals for land divisions.

The alternative to a town land division code is to approach the county to amend the county land division code to ensure that new divisions of land are consistent with the town plan. Other town's may be in support of similar modifications and could provide political support for the changes. However, changes would affect the entire county and may not be politically supported by the county. In addition, any amendments may not be totally satisfactory to the town, since the county must balance its' own abilities to administer the code and also the needs of other local governments.

- Official Mapping:

Official maps are not used frequently because few communities plan anything but major thoroughfares and parks in detail in advance of the imminent development of a neighborhood.

- Other Programs

#### Stewardship Incentive Program (SIP)

The purpose of the Stewardship Incentive Program is to assist landowners in more actively managing, protecting, and enhancing their forest lands and related resources through cost-sharing. The program aims to keep forest lands productive and healthy for both present and future owners, and to increase the economic and environmental benefits of these lands. Private landowners may enroll 10 to 1,000 acres of woodland in the program, and must maintain a 10 year contractual commitment.

Nine general categories of management practices are eligible for cost-sharing under SIP, including 1) forestry management plan development, 2) tree planting, 3) forest improvement, 4) windbreaks and hedgerows, 5) soil and water

protection, 6) riparian and wetland protection, 7) fisheries habitat enhancement, 8) wildlife habitat enhancement, and 9) forest recreation enhancement. Sixty-five percent of the actual cost of each practice is covered, with maximum limits as established by the WDNR. The practices available in individual counties may vary. Public access is not required. This program is administered by the WDNR, USDA Farm Service Agency (FSA), and County Land Conservation Departments.

#### Forestry Incentive Program (FIP)

The Natural Resources Conservation Service (NRCS) administers the Forestry Incentive Program, in association with the WDNR, which was initiated to provide cost-sharing to private landowners for implementing forestry management practices. Landowners with 10 or more acres are eligible to enroll in the program, and agree to maintain the practices for an estimated life span. The development of a management plan is required which establishes the practices to be performed including tree planting, site preparation for natural regeneration, timber stand improvement, etc. Public access on the property is not required.

#### Wetlands Reserve Program

The Wetlands Reserve Program (WRP) is a voluntary program which was established to restore wetlands on lands which were previously altered for agricultural use. The program is administered by the USDA Natural Resources Conservation Service in consultation with the Farm Service Agency and other federal agencies.

Land is eligible for enrollment in the WRP if the landowner has owned that land for at least one year, and the land is restorable and suitable for wildlife benefits. Landowners may choose to restore wetlands with a permanent or 30-year easement, or enter into a cost-share restoration agreement with the USDA. If a permanent easement is established, the landowner will receive payment up to the agricultural value of the land and 100% of the wetland restoration costs. The 30-year easement payment is 75% of what would be provided for a permanent easement on the same site, and 75% of the restoration costs. Voluntary cost-share restoration agreements are generally for a minimum of 10 years, and 75% of the cost of restoring the land to wetlands is provided. In all instances, landowners continue to control access to their land.

#### Wildlife Habitat Incentives Program (WHIP)

The Wildlife Habitat Incentives Program (WHIP) is a voluntary program for private landowners who wish to establish or improve wildlife habitat on their land, with a

primary emphasis on re-establishing declining species and habitats. Both technical assistance and cost sharing are provided to help develop, maintain, and/or improve fish and wildlife habitat through management practices. Lands which are eligible for program participation include woodlots, agricultural and non-agricultural land, pastures, and streambanks which are generally at least 5 acres. Landowners are required to prepare and implement a wildlife habitat development plan which includes cost-share eligible practices to be conducted including fencing, seeding, limited tree planting, instream structures, burning, etc. Up to 75% of costs are reimbursed, generally not to exceed \$10,000; other organizations may provide the remaining 25% of the cost-share or provide expertise to help complete a project. The normal contract duration is 10 years at a minimum to maintain wildlife habitat. Public access is not required under this program. The program is administered by the Natural Resources Conservation Service.

## Lake Organizations

Several lake organizations exist for different lakes within the town of Phelps. These organizations aim to improve, protect and preserve their representative precious water resources by promoting proper lakefront management practices, conducting weed harvesting, and obtaining funds to complete lake studies/lake management plans, among partaking in other related activities.

- Long Lake of Phelps Lake District
- Big Sand Lake Property Owners Association
- Deerskin Lake Association
- Kentuck Lake Preservation District
- Kildare Lake Association
- Lac Vieux Desert Association
- Smoky Lake Property Owners Association
- Spectacle Lake District
- Twin N & S Riparian Owners Association
- Phelps Town Lakes Committee
- Vilas County Lakes Association

## E. Future Land Use

The Future Land Use map represents the long-term land use recommendations for all lands in the Town. Although the map is advisory and does not have the authority of zoning, it is intended to reflect community desires and serve as a guide for local officials to coordinate future development of the Town. Before

the future land use map is developed a land use classification is established. These become the foundation of the map.

- Land Use Map Classifications:

Land use classifications are groups of land uses that are compatible, and that separate conflicting uses. The classifications are not zoning districts and do not have the authority of zoning, but are intended for use as a guide when making land use and zoning decisions. A general description of each classification follows:

**1. Residential**

Identifies areas recommended for residential development typically consisting of smaller lot sizes. This would include lands currently zoned as single family and multi family residential.

**2. Commercial**

Identifies areas recommended for commercial development, as well as existing commercial establishments located throughout the community. This would include lands currently zoned community business and general business.

**3. Industrial**

Identifies areas recommended for industrial development, as well as existing industrial areas located throughout the community.

**4. Governmental/Public/Institutional**

Identifies existing or planned governmental/public/institutional facilities within the Town, including recreational facilities.

**5. Agricultural Areas**

Identifies areas to be preserved for the purpose of general crop farming or the raising of livestock. This would include lands currently zoned agricultural.

**6. Forestry Areas**

Identifies areas of large woodlands within the Town. Much of this is in public ownership. This would include lands currently zoned forestry.

## **7. Transportation Corridors**

Identifies the existing road network along with the recommendations for improved and safe traffic movement in the Town. This also includes rail corridors and airports.

## **8. Preservation & Open Space**

Contains sensitive environmental areas, such as 100-year floodplains as defined by the Federal Emergency Management Agency, DNR wetlands, steep slopes, and open water. This could include endangered species habitat or other significant features or areas identified by the community.

## **9. All Purpose**

Contains lands with a variety of uses. This would include lands currently zoned all-purpose.

- Future Land Use Map:

The Future Land Use Map is not the same as the Existing Land Use Map. The existing land use map categorizes the way land is being used today, while the intent of the future land use map is to identify areas for future development. Often times there is overlap, but the purpose of each map is very different.

The Town Planning commission participated in mapping exercise with NCWRPC staff to identify the desired future land uses. First, the existing land use map and the other information collected as part of the planning process, was reviewed as the starting point. Then the existing zoning map was reviewed and a discussion followed. The Plan Commission then used their broad knowledge of the Town to identify areas on the map representing various future land uses. The goal was to produce a generalized land use plan map showing desired future land uses to guide the Town's growth. See the Future Land Use map.

Once the future land use plan map was finalized the areas were again calculated for each of the categories using GIS software. The results are not exact acreage calculations, but rather generalized areas as calculated from the lines on the map.

The Future Land Use Map reflects no major changes in land use over the next twenty years. Forestry will continue to be the major land use in the county requiring over 00 percent of the land, followed by Preservation and Open Space (much of this is wooded wetland) with about 00 percent, and Agricultural with

00 percent. Over 00 acres were identified for future residential uses, 00 acres for future commercial development, and about 00 acres for future industrial development.

See the Future Land Use Table

Table 8-4: Future Land Use		
Land Use Type	Acres	Percent
All Purpose	18,795	27.0%
Agricultural	40	0.06%
Commercial	4,027	5.86%
Forestry	34,622	49.8%
Residential	2,858	4.11%
Water	9,156	13.2%
Total Acres	69,544	100%

Source: Town of Phelps Plan Commission and NCWRPC GIS.

The Future Land Use Map is not a zoning map. The Future Land Use Map is general in nature and was developed as a general guide for future development in the county. Although general, the future land use plan map indicates appropriate future land uses, and as the result shows where rezoning may occur. In many areas the existing zoning districts already reflect the desired future land uses; while in other areas, zoning map or text changes may be required to meet some of the desired future land uses.

The identification of desired future land use types through the map does not imply that an area is immediately appropriate for rezoning. Given service demands and a desire for controlled growth, careful consideration to the timing of zoning decisions is essential. In some places, it may be desirable to rezone land to reflect the planned land use designations as soon as possible. In other cases, it may be appropriate to wait to rezone the area until an actual development proposal is brought forward.

One of the goals of this land use plan is to balance individual private property rights with the town's need to protect property values community-wide, minimize the conflicts between land uses and keep the cost of local government as low as possible. An essential characteristic of any planning program is that it be ongoing and flexible. Periodic updates to the plan are needed to maintain that it is reflective of current trends.

## F. Goals, Objectives, and Policies

As in the previous chapters of this plan, a series of goals, objectives, and policies are identified.

### Goals:

1. Maintain orderly planned growth that promotes the health, safety and general welfare of Town residents and makes efficient use of land and efficient use of public services, facilities and tax dollars.
2. Preserve the productive forest and farmland in the Town for long-term use and maintain forestry and agriculture as important economic activity.
3. Control the type and location of residential, commercial, and industrial development.
4. Create, promote, and maintain a pro-active planning process in the town.
5. Enhance and develop year round recreational opportunities in the Town while minimizing user conflicts.

### Objectives:

1. Planning and development of land uses that create or preserve the rural character of the community.
2. Land uses should be planned so that development occurs in an orderly manner and land use conflicts are avoided.
3. Balance individual property rights with community interests and goals.
4. Maintain the rural focus of the Town.
5. Designate suitable land for future residential, commercial, light industrial, and recreational uses in accordance to the Phelps Comprehensive Master Plan recommendations.
6. Encourage development in areas currently served by public utilities, roads, parks, schools, and other key services.

7. Guide future development within or adjacent to existing compatible development.
8. Cluster commercial and light industrial development along State Highway 17 (east and west) and County Highway E.
9. Review, and if appropriate, pursue change of the Vilas County Comprehensive Zoning Ordinance which will promote Phelps's future land use vision.
10. Coordinate town planning efforts with the Vilas County Land Use Plan.
11. Establish common sense regulations to coordinate the proper use, access, and opportunity of motorized watercraft on lakes and rivers, based on a waterway classification system.
12. Enhance the town's existing parks and provide for recreation facilities that provide multi-use recreation opportunity.
13. Maintain existing and improve public access to waterways.
14. Maintain existing and provide additional snowmobile, hiking, skiing and biking trails.
15. Explore opportunities to develop a town multi-use trail system.
16. Connect Phelps multi-use trails to other Vilas County communities.
17. Pursue state and federal funding programs which can aid in the development and acquisition of parks, trails, scenic and environmentally significant areas.
18. Recognize need to accommodate all age groups in recreational pursuits.
19. Implement the town of Phelps Comprehensive Outdoor Recreation Plan.
20. Periodically review the adopted Phelps Comprehensive Master Plan and associated ordinances relative to effectiveness in achieving town goals.
21. Develop and provide educational materials and conduct local workshops on topics pertinent to planning goals.
22. Pursue development of a town newsletter (or other means of public communication) to ensure year around and seasonal residents and

property owners are informed regarding town issues, business, and development projects.

23. Establish relationships and communication between local governments and agencies to encourage discussion and action on land use, transportation and service issues.
24. Consider the development of an official map to reserve adequate right-of-way for future road linkage.
25. Continue the planning committee functions after plan approval to monitor plan effectiveness, review development proposals and required updates.

Policies:

1. The Town will maintain a long-range Comprehensive Plan, which will serve as a guide for future land use decisions. New development will be permitted based on consideration of this Plan, as well as other Town, County, and state plans and regulations.
2. New development should not adversely affect the property value or livability of neighboring properties.
3. Future commercial development should be encouraged in planned development districts rather than extended in a strip along the major highway corridors
4. Promotion of the redevelopment of lands with exiting infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial and industrial structures.
5. Encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
6. Provide adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
7. Use-buffer areas may be used as shields to lessen the impacts of potentially conflicting land use types located in relatively close proximity.

8. The location of new development will be restricted from areas in the Town shown to be unsafe or unsuitable for development due to flood hazard, potential groundwater contamination, loss of farmland, highway access problems, incompatibility with neighboring uses, etc.
9. Lands, not suited to forestry should be the focus of development activity in the Town. Land best suited to timber production (or agriculture) should remain in that use, to the extent possible, and new development should be steered toward land less well adapted to productive use.

## Chapter 9: Implementation



## **CHAPTER 9: IMPLEMENTATION**

This is the final chapter of the Town of Phelps Comprehensive Plan. This chapter outlines plan adoption, plan review, plan amendment, plan update, and implementation. This chapter also includes the recommended steps to implement this plan.

The Plan Commission, the Town Board, and its various committees, boards, and commissions should use the Comprehensive Plan to guide the physical development of the Town. In addition, developers and landowners will use the document.

### **A. Plan Adoption**

The adoption process requires that the Planning Commission develop and review the Comprehensive Plan, and pass a “resolution” to recommend the adoption of the plan to the Town Board. That recommendation is forwarded to the Town Board who must hold a public hearing to solicit public comment prior to adoption of the Comprehensive Plan by “ordinance”. That public hearing must be advertised with at least 30 days notice. Review Statute 66.1001 for a detailed overview of the adoption procedure.

Adoption formalizes the plan document as the framework to guide local growth and development decisions over the next 10 years or more. The adopted plan should also be recognized as a tool for communicating the community’s vision related to natural resources, housing, utilities & community facilities, transportation, economic development, intergovernmental cooperation, and land use.

### **B. Plan Review**

Members of the Town Board, Plan Commission, and other local decision-making bodies should periodically review the plan and identify areas that might need to be amended or addressed during a future plan update.

As part of the comprehensive planning process, a number of goals, objectives, and policies were developed. These statements are intended to provide direction to local leaders and staff, as well as residents of the

Town. To measure progress towards meeting these goals, objectives, and policies, a regular plan review needs to take place. Therefore, the task to review/measure plan progress is as simple as determining if any action was taken or not on the various goals, objectives, and policies. It should be noted that many of the policies identified in the plan are continuous or on-going and should also be monitored to measure the plan's overall success. In addition, many of the objectives and their related actions can be accomplished in the short term, say 1 to 5 years. However, some will take longer to accomplish, say 6 to 10 years or more.

It is recommended that a periodic "Plan Status" report be prepared to summarize the progress toward implementation. This report might be jointly developed by various Town departments, as related to their involvement in the implementation of the goals, objectives, and policies developed within this plan. Ultimately, the success of the planning process will be measured by the future quality of life experienced by both residents and visitors to Phelps.

### **C. Plan Amendments**

The plan may be amended at any time, if needed, upon the recommendation of the Plan Commission and approval from the Town Board following the same statutory process described for initial plan adoption. The procedures are the same regardless of how minor the proposed amendment.

Amendments may be appropriate throughout the lifecycle of the plan, particularly if new issues emerge or trends change, or an error is discovered. However, frequent changes to accommodate specific development proposals should be avoided. Some reasons an amendment include:

- ✓ Plan amendment corrects an error made in the original plan
- ✓ A certain goal, objective, or policy is no longer relevant
- ✓ Future land use map is no longer reflective of community desires

The Plan Commission prior to the public hearing and adoption by the Town Board must review proposed amendments. The public should be notified of proposed plan changes and allowed an opportunity for review and comment. For major amendments, it may be desirable to solicit

public opinion through surveys and/or community meetings prior to the public hearing.

#### **D. Plan Updates**

According to the State's comprehensive planning law, comprehensive plans must be updated at least once every 10 years. As opposed to the more routine amendments described above, plan updates will probably involve re-writing entire chapters of the plan document. A plan update should include a thorough examination of the community's goals and objectives, based upon an analysis of current growth trends and major changes that have occurred since the plan was initially adopted or last amended. Plan updates must be formally adopted following the same procedure described above for initial plan adoption.

It is important that the public be involved in the update process. To ensure that the public is engaged in plan amendments, the same procedure used for initial plan adoption must be followed. (See State Statute 66.1001).

Upon Plan Commission review and resolution to make recommended changes to the plan, the Town Board shall call a public hearing to allow property owners and citizens' time to review and comment on recommended plan changes. The public hearing shall be advertised using a Class I notice.

#### **E. Implementation Tools**

The primary implementation tools for this Plan are County Zoning and Land Division ordinances. These ordinances provide the underlying regulatory framework that supports many of the Plan's policies. Currently the Town Plan Commission reviews zoning and subdivision applications and makes formal recommendations to the Town Board. The Comprehensive Plan should be an important consideration in this process. Wisconsin's Comprehensive Planning Law requires that a local government's land use related decisions and actions be consistent with that unit's Comprehensive Plan.

Having the appropriate tools to implement the recommendations in this comprehensive plan is critical. These regulatory tools are used to protect existing development and guide future growth and development. There

is also a non-regulatory approach to implementing the comprehensive plan; this generally involves decisions related to how the community will spend its limited financial resources on staffing and various capital improvements.

State law requires that by January 1, 2010, certain programs and/or actions that affect land use must be consistent with the locally adopted comprehensive plan. To meet this deadline, the Town should update related ordinances as needed.

The previous chapters of this Plan contain a compilation of programs the Plan Commission may consider in working to implement the Comprehensive Plan.

## **F. Consistency Among Plan Chapters**

The State of Wisconsin planning legislation requires that the Implementation section describe how each of the required chapters will be integrated and made consistent with the other chapters of the plan. Since the Town completed all planning elements simultaneously, no known inconsistencies exist. It is noted that some overlap occurs between the nine plan chapters. Where deemed appropriate, certain goals, objectives, and policies have been repeated or restated within multiple chapters of the plan.

This Comprehensive Plan also references previous and current related planning efforts to ensure they are considered in the community's planning and development decisions. Some recommendations from other plans have been summarized and incorporated in this plan, as deemed appropriate, to foster coordination and consistency between plans.

In the future, as plan amendments occur, it is important that Town staff and the plan commission conduct consistency reviews. These reviews will ensure that the plan is up-to-date. It is also critical that the plan and/or maps are changed that these changes are made they do not conflict with other sections of the plan or other maps, or local implementation tools.

## **G. Recommended Action Steps**

This section outlines the steps to implement the goals, objectives, and policies contained in the comprehensive plan. These steps are:

1. The Town Planning Commission should pass a resolution recommending adoption of the Comprehensive Plan.
2. The Town Board should hold a public hearing and adopt the plan by ordinance and use it as a guide for decision-making.
3. The Town should incorporate changes to its local implementation tools to establish consistency.
4. The Town Planning Commission should become knowledgeable of the plan and use it to justify recommendations to the Town Board on development issues.
5. The Town's staff should incorporate the goals, objectives and policies of the plan into annual work plans and budgets.
6. The Town should encourage citizen awareness of the plan. It is also important that developers are aware of the plan. An initial step would be to have the document hosted on the Town website.
7. The Town should provide copies of the plan to the surrounding communities and Vilas County.
8. The Town Planning Commission should review the Future Land Use Map at least annually and make necessary amendment recommendations to the Town Board.
9. The Town should review the plan at least every five years, and update the plan at least every ten years.



## **Attachments:**

**Wisconsin Statutes 66.1001**

**Public Participation Plan**

**Planning Commission Resolution**

**Town Board Ordinance**



## 66.0927 MUNICIPAL LAW

the fund are appropriated to the board for the execution of its functions as provided by the ordinance and the resolutions of the respective municipalities. The moneys in the fund shall be paid out by the treasurer of the hospital board only upon the approval or direction of the board.

(11) **CORRELATION OF LAWS.** (a) In any case where a bid is a prerequisite to contract in connection with a county or city hospital under s. 66.0901, it is also a prerequisite to a valid contract by the board. For this purpose, the board is a municipality and the contract a public contract under s. 66.0901.

(b) All statutory requirements, not inconsistent with the provision of this section, applicable to general county or city hospitals apply to hospitals referred to in this section.

(12) **REPORTS.** The board shall report its activities to the county board and the city council or councils annually, or oftener as either of the municipalities requires.

(14) **POWERS OF VILLAGES.** Villages have all of the powers granted to cities under subs. (1) to (12) and whenever any village exercises these powers the word “city” wherever it appears in subs. (1) to (12) means “village” unless the context otherwise requires. Any village participating in the construction or other acquisition of a hospital or in its operation, pursuant to this section, may enter into lease agreements leasing the hospital and its equipment and furnishings to a nonprofit corporation.

(15) **POWERS OF TOWNS.** Towns have all of the powers granted to cities under subs. (1) to (12) and whenever any town exercises these powers the word “city” wherever it appears in subs. (1) to (12) means “town” unless the context otherwise requires. Any town participating in the construction or other acquisition of a hospital or in its operation, under this section, may enter into lease agreements leasing the hospital and its equipment and furnishings to a nonprofit corporation.

**History:** 1977 c. 29; 1983 a. 189; 1983 a. 192 s. 303 (1); 1993 a. 246; 1999 a. 150 ss. 262, 480 to 483; Stats. 1999 s. 66.0927.

## SUBCHAPTER X

PLANNING, HOUSING  
AND TRANSPORTATION

**66.1001 Comprehensive planning. (1) DEFINITIONS.** In this section:

(a) “Comprehensive plan” means:

1. For a county, a development plan that is prepared or amended under s. 59.69 (2) or (3).

2. For a city or a village, or for a town that exercises village powers under s. 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

3. For a regional planning commission, a master plan that is adopted or amended under s. 66.0309 (8), (9) or (10).

(b) “Local governmental unit” means a city, village, town, county or regional planning commission that may adopt, prepare or amend a comprehensive plan.

(c) “Political subdivision” means a city, village, town, or county that may adopt, prepare, or amend a comprehensive plan.

(2) **CONTENTS OF A COMPREHENSIVE PLAN.** A comprehensive plan shall contain all of the following elements:

(a) *Issues and opportunities element.* Background information on the local governmental unit and a statement of overall objectives, policies, goals and programs of the local governmental unit to guide the future development and redevelopment of the local governmental unit over a 20-year planning period. Background information shall include population, household and employment forecasts that the local governmental unit uses in developing its comprehensive plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the local governmental unit.

(b) *Housing element.* A compilation of objectives, policies, goals, maps and programs of the local governmental unit to provide an adequate housing supply that meets existing and forecasted housing demand in the local governmental unit. The element shall assess the age, structural, value and occupancy characteristics of the local governmental unit’s housing stock. The element shall also identify specific policies and programs that promote the development of housing for residents of the local governmental unit and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups and persons with special needs, policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and policies and programs to maintain or rehabilitate the local governmental unit’s existing housing stock.

(c) *Transportation element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, electric personal assistive mobility devices, walking, railroads, air transportation, trucking and water transportation. The element shall compare the local governmental unit’s objectives, policies, goals and programs to state and regional transportation plans. The element shall also identify highways within the local governmental unit by function and incorporate state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the local governmental unit.

(d) *Utilities and community facilities element.* A compilation of objectives, policies, goals, maps and programs to guide the future development of utilities and community facilities in the local governmental unit such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site wastewater treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. The element shall describe the location, use and capacity of existing public utilities and community facilities that serve the local governmental unit, shall include an approximate timetable that forecasts the need in the local governmental unit to expand or rehabilitate existing utilities and facilities or to create new utilities and facilities and shall assess future needs for government services in the local governmental unit that are related to such utilities and facilities.

(e) *Agricultural, natural and cultural resources element.* A compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

(f) *Economic development element.* A compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion, of the economic base and quality employment opportunities in the local governmental unit, including an analysis of the labor force and economic base of the local governmental unit. The element shall assess categories or particular types of new businesses and industries that are desired by the local governmental unit. The element shall assess the local governmental unit’s strengths and weaknesses with respect to attracting and retaining businesses and industries, and shall designate an adequate number of sites for such businesses and industries. The element shall also evaluate and promote the use of environmentally contaminated sites for commercial or industrial uses.

The element shall also identify county, regional and state economic development programs that apply to the local governmental unit.

(g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units. The element shall consider, to the greatest extent possible, the maps and plans of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, with which the local governmental unit shares common territory. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

(h) *Land–use element.* A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land–use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5–year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications.

(i) *Implementation element.* A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

**(3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS.** Beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's comprehensive plan:

(g) Official mapping established or amended under s. 62.23 (6).

(h) Local subdivision regulation under s. 236.45 or 236.46.

(j) County zoning ordinances enacted or amended under s. 59.69.

(k) City or village zoning ordinances enacted or amended under s. 62.23 (7).

(L) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.

(q) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or 62.231.

**(4) PROCEDURES FOR ADOPTING COMPREHENSIVE PLANS.** A local governmental unit shall comply with all of the following before its comprehensive plan may take effect:

(a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments. The written procedures shall describe the methods the governing body of a local governmental unit will use to distribute proposed, alternative, or amended elements of a comprehensive plan to owners of property, or to persons who have a leasehold interest in property pursuant to which the persons may extract nonmetallic mineral resources in or on property, in which the allowable use or intensity of use of the property is changed by the comprehensive plan.

(b) The plan commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a comprehensive plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the plan commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted comprehensive plan, or of an amendment to such a plan, shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.

2. The clerk of every local governmental unit that is adjacent to the local governmental unit that is the subject of the plan that is adopted or amended as described in par. (b) (intro.).

3. The Wisconsin land council.

4. After September 1, 2005, the department of administration.

5. The regional planning commission in which the local governmental unit is located.

6. The public library that serves the area in which the local governmental unit is located.

(c) No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the political subdivision enacts an ordinance or the regional planning commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the regional planning commission may not adopt a resolution under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the members–elect, as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted or a resolution that is adopted under this paragraph, and the plan to which it relates, shall be filed with at least all of the entities specified under par. (b).

(d) No political subdivision may enact an ordinance or no regional planning commission may adopt a resolution under par. (c) unless the political subdivision or regional planning commission holds at least one public hearing at which the proposed ordinance or resolution is discussed. That hearing must be preceded by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The political subdivision or regional

## 66.1001 MUNICIPAL LAW

planning commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. The date, time and place of the hearing.
2. A summary, which may include a map, of the proposed comprehensive plan or amendment to such a plan.
3. The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.
4. Information relating to where and when the proposed comprehensive plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.

(e) At least 30 days before the hearing described in par. (d) is held, a local governmental unit shall provide written notice to all of the following:

1. An operator who has obtained, or made application for, a permit that is described under s. 295.12 (3) (d).
2. A person who has registered a marketable nonmetallic mineral deposit under s. 295.20.
3. Any other property owner or leaseholder who has an interest in property pursuant to which the person may extract nonmetallic mineral resources, if the property owner or leaseholder requests in writing that the local governmental unit provide the property owner or leaseholder notice of the hearing described in par. (d).

(f) A political subdivision shall maintain a list of persons who submit a written request to receive notice of any proposed ordinance, described under par. (c), that affects the allowable use of the property owned by the person. At least 30 days before the hearing described in par. (d) is held a political subdivision shall provide written notice, including a copy of the proposed ordinance, to all such persons. The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision. The political subdivision may charge each person on the list who receives a notice a fee that does not exceed the approximate cost of providing the notice to the person.

**(5) APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN.** A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.

**(6) COMPREHENSIVE PLAN MAY TAKE EFFECT.** Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect even if a local governmental unit fails to provide the notice that is required under sub. (4) (e) or (f), unless the local governmental unit intentionally fails to provide the notice.

**History:** 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33, 93, 233, 307, 327; 2005 a. 26, 208; 2007 a. 121.

A municipality has the authority under s. 236.45 (2) to impose a temporary town-wide prohibition on land division while developing a comprehensive plan under this section. *Wisconsin Realtors Association v. Town of West Point*, 2008 WI App 40, 309 Wis. 2d 199, 747 N.W.2d 681, 06–2761.

**66.1003 Discontinuance of a public way. (1)** In this section, “public way” means all or any part of a road, street, slip, pier, lane or paved alley.

**(2)** The common council of any city, except a 1st class city, or a village or town board may discontinue all or part of a public way upon the written petition of the owners of all the frontage of the lots and lands abutting upon the public way sought to be discontinued, and of the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder of the public way which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as is within the corporate limits of the city, village or town. The beginning and ending of an alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 82.21.

**(3)** The common council of any city, except a 1st class city, or a village or town board may discontinue all or part of an unpaved alley upon the written petition of the owners of more than 50% of the frontage of the lots and lands abutting upon the portion of the unpaved alley sought to be discontinued. The beginning and ending of an unpaved alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 82.21.

**(4) (a)** Notwithstanding subs. (2) and (3), proceedings covered by this section may be initiated by the common council or village or town board by the introduction of a resolution declaring that since the public interest requires it, a public way or an unpaved alley is vacated and discontinued. No discontinuance of a public way under this subsection may result in a landlocked parcel of property.

**(b)** A hearing on the passage of a resolution under par. (a) shall be set by the common council or village or town board on a date which shall not be less than 40 days after the date on which the resolution is introduced. Notice of the hearing shall be given as provided in sub. (8) (b), except that in addition notice of the hearing shall be served on the owners of all of the frontage of the lots and lands abutting upon the public way or unpaved alley sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before the hearing. When service cannot be made within the city, village or town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing.

**(c)** Except as provided in this paragraph, no discontinuance of the whole or any part of a public way may be ordered under this subsection if a written objection to the proposed discontinuance is filed with the city, village or town clerk by any of the owners abutting on the public way sought to be discontinued or by the owners of more than one-third of the frontage of the lots and lands abutting on the remainder of the public way which lies within 2,650 feet from the ends of the public way proposed to be discontinued or which lies within that portion of the 2,650 feet that is within the corporate limits of the city, village or town. If a written objection is filed, the discontinuance may be ordered only by the favorable vote of two-thirds of the members of the common council or village or town board voting on the proposed discontinuance. An owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32. The beginning and ending of an alley shall be considered to be within the block in which it is located.

**(d)** No discontinuance of an unpaved alley shall be ordered if a written objection to a proposed discontinuance is filed with the city, village or town clerk by the owner of one parcel of land that abuts the portion of the alley to be discontinued and if the alley provides the only access to off-street parking for the parcel of land owned by the objector.

**(5)** For the purpose of this section, the narrowing, widening, extending or other alteration of any road, street, lane or alley does not constitute a discontinuance of any part of the former road, street, lane or alley, including any right-of-way, which is included within the right-of-way for the new road, street, lane or alley.

**(6)** Whenever any of the lots or lands subject to this section is owned by the state, county, city, village or town, or by a minor or incompetent person, or the title to the lots or lands is held in trust, petitions for discontinuance or objections to discontinuance may be signed by the governor, chairperson of the board of supervisors of the county, mayor of the city, president of the village, chairperson of the town board, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.

**(7)** The city council or village or town board may by resolution discontinue any alley or any portion of an alley which has been abandoned, at any time after the expiration of 5 years from



# **Town of Phelps Public Participation Plan**

## **I. Background**

The Town recognizes the need to engage the public in the comprehensive planning process. This document sets forth the techniques the Town will use to meet the goal of public participation. Therefore, this Public Participation Plan forms the basic framework for achieving an interactive dialogue between citizens, local decision makers, elected officials, and other interested parties.

The creation of the Public Participation Plan is a task required in meeting the requirements of Wisconsin's Comprehensive Planning Legislation (State Statute 66.1001). As the planning process develops, additional steps may be taken to involve the public.

## **II. Objectives**

The following is a list of objectives for the public participation plan:

- That the residents, land owners, and other interested parties become fully aware of the importance of participating in the development of the Comprehensive Plan.
- That the public has opportunities to provide their input to the plan process.
- That the public has access to all written information and all maps created throughout the planning process.
- That there is input from the broadest range of perspectives and interests in the community possible.
- That input is elicited through a variety of means (electronic, printed, and oral) in such a way that it may be carefully considered and incorporated into the process.
- That this process of public involvement strengthens the sense of community.

The goal will be to inform, consult and involve the public and the communities served during each phase of the planning process. Hopefully, this will help balance the issues related to private property rights.

### **III. Techniques**

The public participation plan for the comprehensive planning process will incorporate the following:

1. All meetings for the planning process will be posted and open to the public.
2. Plan meeting handouts will be maintained by the Town and available for review by the public.
3. When the draft plan is prepared it will be available at Town Hall, the library, and on a website.
4. The draft plan will be distributed to all surrounding communities for comment.
5. A Public Hearing will be held prior to plan adoption by the Town Board.

**Resolution 2009-06**  
**Resolution for the Adoption of a**  
**PUBLIC PARTICIPATION PLAN (PPP)**

THE TOWN BOARD DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, Town of Phelps is required to prepare and adopt a Comprehensive Plan as outlined in Wisconsin Statutes; and

WHEREAS, public participation is critical for the development of a sound plan; and

WHEREAS, it is necessary for the Town Board of Supervisors to approve a process to involve the public in the planning process; and

NOW, THEREFORE, BE IT RESOLVED, that Town of Phelps does approve and authorize the Public Participation Plan as attached to this resolution.

CERTIFICATE

STATE OF WISCONSIN    )  
  ) ss.  
TOWN OF PHELPS    )

I, Nancy Steenport, Town Clerk/Treasurer, do hereby certify that the foregoing resolution was duly adopted at a meeting of the Town Board, held at the Phelps Fire Station on the June 8, 2009.

Nancy Steenport  
Nancy Steenport, Clerk/Treasurer



PHELPS PLANNING COMMISSION RESOLUTION

RECEIVED

JAN 4 2010

NORTH CENTRAL WISCONSIN  
REGIONAL PLANNING COMMISSION

RESOLUTION # 2009-1

Town of Phelps  
Vilas County, Wisconsin

The Plan Commission of the Town of Phelps, Vilas County, Wisconsin, by this resolution, adopted on proper notice with a quorum and by a roll call vote of a majority of the Town Planning Commission present and voting resolves and recommends to the town board of he Town of Phelps as follows:

Adoption of the Town Comprehensive Plan.

The Town of Phelps Planning Commission, by this resolution, further resolves and orders as follows:

All maps and other materials noted and attached as exhibits to the Town of Phelps Comprehensive Plan are incorporated into and made a part of the Town of Phelps Comprehensive Plan.

The vote of the Town Planning Commission in regard to this resolution shall be recorded by the clerk of the Town Planning Commission in the official minutes of the Town of Phelps Plan Commission.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this 30th day of December 2009.

Eugene D. McCaslin  
Planning Commission Chairman

Janet R. Anderson  
Commission Member

Debra Libel  
Commission Member

Cynthia Spurger  
Commission Member

Donna L. Brand  
Commission Member

Michael H. Fisher  
Commission Member

Tom Bierman  
Commission Member

Russell  
Commission Member

Attest:

Nancy Steenport  
Commission Clerk

Date of Publication: January 5, 2010

TOWN OF PHELPS  
COMPREHENSIVE PLAN  
ORDINANCE #2010-02

Town of Phelps  
Vilas County, Wisconsin

SECTION I-TITLE/PURPOSE

The title of this ordinance is the Town of Phelps Comprehensive Plan Ordinance. The purpose of this ordinance is for the Town of Phelps to lawfully adopt a comprehensive plan as required under s. 66.1001(4) (c), Wis. Stats.

SECTION II-AUTHORITY

The town board of the Town of Phelps has authority under its village powers under s. 60.22, Wis. Stats., its power to appoint a town plan commission under s. 60.62 (4) and 62.23 (1), Wis. Stats. And under s. 66.1001 (4), Wis. stats., to adopt this ordinance. The comprehensive plan of the Town of Phelps must be in compliance with s. 66.1001 (4) (c), Wis. stats., in order for the town board to adopt this ordinance.

SECTION III-ADOPTION OF ORDINANCE

The town board of the Town of Phelps, but this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the Town of Phelps to adopt its comprehensive plan under s. 66.1001 (4), Wis. Stats., and provides the authority for the town board to order its publication.

SECTION IV-PUBLIC PARTICIPATION

The town board of the Town of Phelps has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by s. 66.1001 (4) (a), Wis. Stats.

SECTION V-TOWN PLAN COMMISSION RECOMMENDATION

The Plan Commission of the Town of Phelps, by a majority vote of the entire commission, recorded in its official minutes, has adopted a resolution recommending to the town board the adoption of the Town of Phelps Comprehensive Plan, which contains all of the elements specified in s. 66.1001 (2), Wis. Stats.

SECTION VI-PUBLIC HEARING

The Town of Phelps, has held at least one public hearing on this ordinance, with notice in compliance with the requirements of s. 66.1001 (4) (d), Wis. Stats.

SECTION VII-ADOPTION OF TOWN COMPREHENSIVE PLAN

The town board of the Town of Phelps, by the enactment of this ordinance, formally adopts the document entitled Town of Phelps Comprehensive Plan Ordinance under pursuant to s. 66.1001 (4) (c), Wis. stats.

SECTION VIII-SEVERABILITY

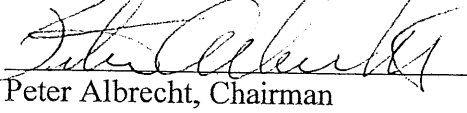
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

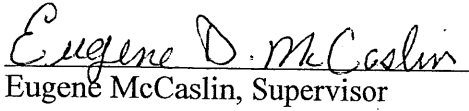
SECTION IX-EFFECTIVE DATE

This ordinance is effective on publication and posting.

The town clerk shall properly post or publish this ordinance as required by s. 60.80, Wis. stats.

Adopted this 9<sup>th</sup> day of June, 2010

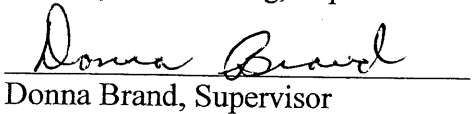
  
Peter Albrecht, Chairman

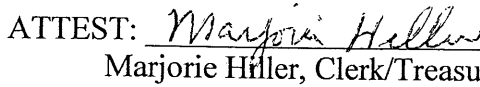
  
Eugene McCaslin, Supervisor

  
Steve Waier, Supervisor

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Dorothy Kimmerling, Supervisor

  
Donna Brand, Supervisor

ATTEST:   
Marjorie Hiller, Clerk/Treasurer